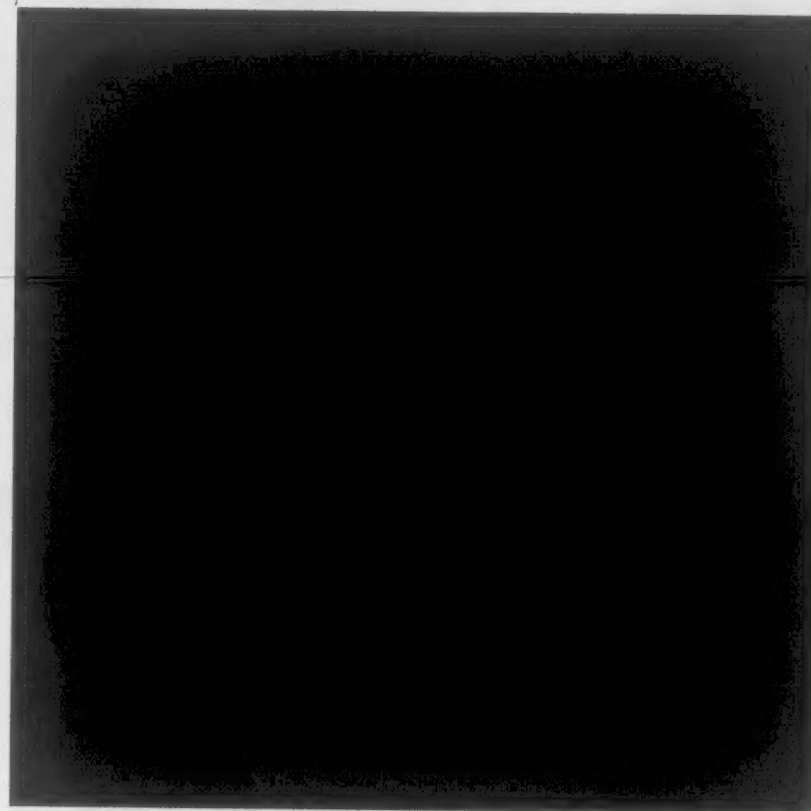
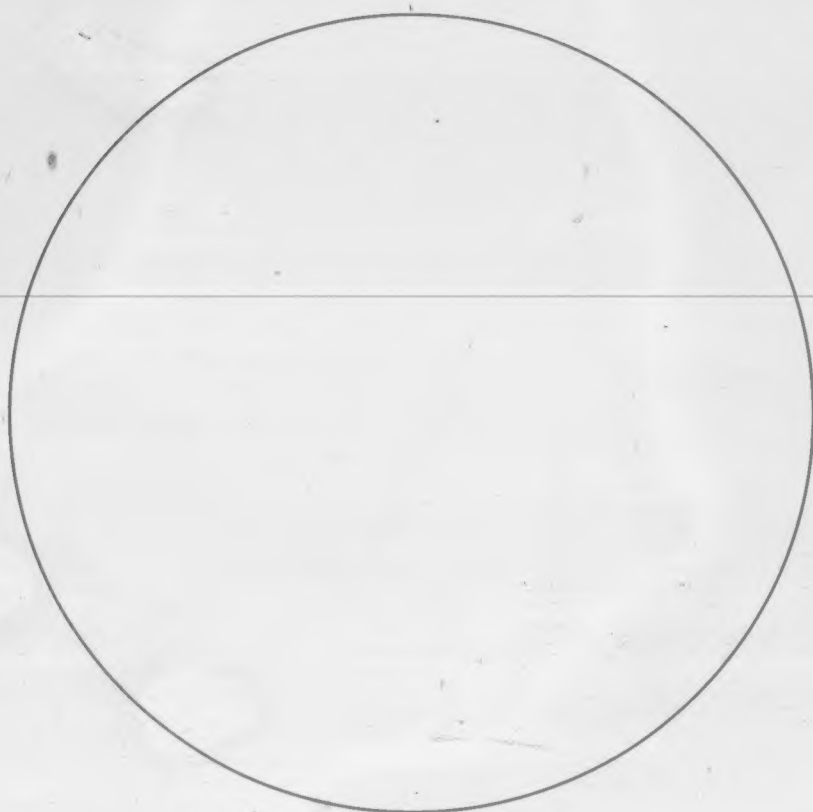
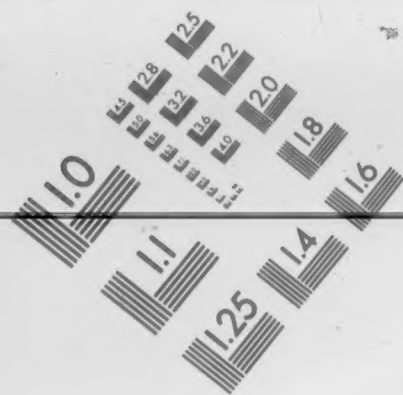
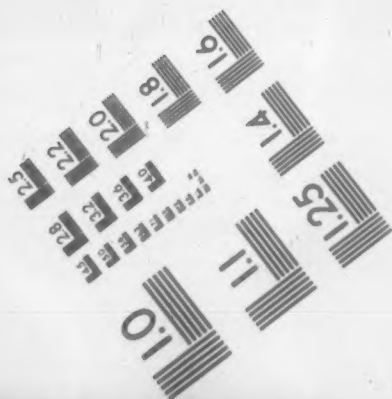
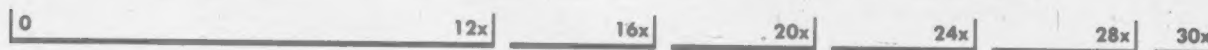




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APPLICATIONS FOR ENROLLMENT OF THE
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, SEMINOLE TERRITORY, FEBRUARY 24, 1908.

In the matter of the application for the enrollment of
McKinley Williamson as a citizen of the Creek Nation.

There was on file with the Commission affidavits relative
to the birth and death of McKinley Williamson, filed December
7, 1905. Said affidavits are considered as an application for
the enrollment of McKinley Williamson.

WASH WILLIAMSON, being duly sworn, testified:

By Commission:

- Q What is your name? A Wash Williamson.
Q Is your name Williamson or Williams? A Williamson.
Q How old are you? A About thirty-nine.
Q What is your postoffice address? A Checotah.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Is your wife a citizen of the Creek Nation? A Yes, sir.
Q What is her name? A Rose Williamson.
Q Have you a child by the name of McKinley Williamson? A Yes, sir.
Q Is that child living? A No, sir.
Q When was he born? A I do not know exactly.
Q When did he die? A I do not know exactly when he died.
Q Do you know the year? A No, sir.
Q How old was he when he died? A He was two or three or four
years old when he died.
Q Do you know what it is to swear? A Yes, sir.
Q Do you know the penalty for swearing falsely? A Yes, sir.
Q When was your child, McKinley, born? A I don't know.
Q Do you know the month? A I think it was April.
Q Do you know the day? A No, sir.
Q Do you know what year this is? A 1905, aint it?
Q What was last year? A 1904.
Q Was McKinley born in 1904? A No, sir.
Q What was year before 1904? A 1903.
Q Was McKinley born in the year 1903? A No, sir.
Q What was the year before 1903? A 1902.
Q Was he born in that year--1902? A No, sir.
Q What year was before 1902? A 1901.
Q Was he born that year--1901? A Not that I knew of; I don't re-
member if he was. He was between three or four years old when
he died.
Q I will ask you again, was he born in 1901? A I do not know.
Q What was year before 1901? A 1900.
Q Was he born in 1900? I do not know.
Q What was year before 1900? A I do not know exactly what year.
Q Did McKinley die last year? A No, sir.
Q Did he die the year before that--1903? A No, sir.
Q Did he die the year before that--1902? A No, sir.
Q Did he die the year before that--1901? A No, sir.
Q Did he die the year before that--1900? A Not that I know.
Q You do not know the year in which your child was born, or the
year in which he died? A No, sir.
Q Still you know all the years back from 1905 to 1900, and do not
know when your child died or when he was born? A No, but if I

Williamson---2.

- was at home I could tell; my wife keeps up with that.
- Q How does she keep up with it? A I don't know but she keeps up with it.
- Q Do you remember going before a Notary Public and making out an affidavit about the death of your child, McKinley Williamson? A No, sir.
- Q Do you know a man by the name of J. or Jesse Nelson? A No, sir.
- Q Do you know J. B. Morgan? A No, sir.
- Q Do you know a man by the name of J. B. Lucas? A Yes, sir.
- Q Do you remember when J. B. Morgan and Jesse Nelson went along with you and you made out an affidavit about the death of your child? A No, sir, I never went in the office with them at all.
- Q (Witness handed original affidavit). Is that your signature? A Yes, sir, that is my signature.
- Q Do you remember signing that? A Who was it made out before? J. or Jesse Nelson? A I think the affidavit that I signed was made out before Mr. Pliher.
- Q That is your signature? A Yes, sir.
- Q This affidavit was made out on the 28th of October, 1901---how old was your child, McKinley, then? A I don't know.
- Q When was your child born? A I can't remember.
- Q I will try to help you remember; I will take the years again---was it last year the child was born? A No.
- Q This is 1905, was he born the year before? A No, sir.
- Q Was he born before that--1903? A No, sir.
- Q Was he born the year before that--1902? A No.
- Q Was he born the year before that--1901? A No, sir.
- Q Was he born the year before that--1900? A I do not remember whether he was born that year or not.
- Q Do you think he was born that year? A I do not know.
- Q Year before that was 1899--was he born that year? A I cannot say positively.
- Q Can you state the year in which he was born? A I could if I was at home.
- Q How would you get it? A From my mother-in-law.
- Q How do you mean--just ask her? A Yes, sir.
- Q I am asking you what you know now? A I do not know a one of my children's ages but my youngest child's, and I would not know that but my wife told me just a few days ago.
- Q Can you read and write? A Yes, sir, a little.
- Q Were you present when your child was born? A No, sir.
- Q How far away from home were you? A About three miles.
- Q How long before you saw it? A I don't know.
- Q Was it as much as a week before you saw your child after its birth? A I came in that night.
- Q Were you present when the child died? A I was on the place but not in the house.

I, Zera Ellen Parrish, on oath state that, as stenographer for the Commission to the Five Civilized Tribes, the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cases.

Subscribed and sworn
to before me this 28th
day of February, 1905.

Zera Ellen Parrish
E. J. Edwards
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, MARCH 7, 1906.

-30000-

In the matter of the application for the enrollment of
McKinley Williamson, deceased, a Creek Freedman.

APPEARANCE: R. F. DeGRAFFENREID, Attorney for applicant.

ROSE WILLIAMSON, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Rose Williamson.
Q How old are you? A 37.
Q What is your postoffice address? A Chaptah.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Did you have a child named McKinley Williamson? A Yes, sir.
Q Is it living or dead? A It is dead.
Q When was it born? A I do not know the year but it was born on the 19th of October.
Q Was it as much as two years ago that it was born? A Longer than that.
Q Was the child born as much as two years from now? A No, longer than that.
Q Was it three years ago that it was born? A Longer than that.
Q Was it as much as four years ago that it was born? A Do not know.
Q Did you have a doctor in attendance when that child was born? A Yes, I had a woman.
Q A woman doctor? A Yes, sir.
Q Did you have a man doctor present? A I had a man doctor when he was sick.
Q Did you have one when he was born? A No, I had a woman.
Q Do you know Dr. Fats? A Yes, sir.
Q Did he ever attend your child? A Yes, when he was sick.
Q How long did that child live? A A week. It was not quite a week--he took sick on Monday and on Wednesday he was dead.
Q How long did that child live? A Two years.
Q What? I asked you how long he lived and you said he lived a week, and now you state that he lived two years? A I thought you meant how long he lived after he took sick.
Q No, I asked how long he lived--how old he was when he died? A I thought you meant how long he lived after he took sick, sir.
Q Do you know that you are under oath? A Yes, sir.
Q Do you know the penalty for swearing false? A Yes, sir.
Q Do you know that you are liable to imprisonment in the penitentiary? A Yes, sir, but I aim to tell the truth, Wister--I thought you meant how long did he live after he took sick.
Q Was that child more than one day old when it died? A Yes, sir--two days---two years old when it died.

Witness advised to bring in record of the dates of the birth and death of her child, and also to have Dr. Fats appear with him as books.

McKinley Williamson... #2.

EXAMINATION BY E. P. DeGRAFFENREID:

- Q Did old man George Melvin loose a child about the same time your child was born? A Yes, sir, and I will tell you what I know---My sister, Sally Love, had a baby that died the same week---they were near the same age---it was born on the 18th and mine was born on the 19th, and my child died on the 8th and hers on the 7th.
- Q What age was that Melvin that died--man or boy? A Man.

BY COMMISSION:

- Q Was that child, McKinley Williamson, born before the land office opened? A Yes, sir.

EXAMINATION BY E. P. DeGRAFFENREID:

- Q Do you remember when the land office opened? A Yes, it was right here in Muskogee.
- Q Was that child born before the land office opened? A Yes, before we filed.
- Q When did you file on your land? A The first day the land office opened---no, I did not file right then but I come up here when the land office opened.
- Q Was that child dead then? A Yes, sir, he was dead.

EXAMINATION BY COMMISSION:

- Q Have you a child named Lourine? A Yes, sir.
- Q Is that child dead? A Yes, sir.
- Q Was McKinley dead when Lourine died? A Yes, sir.
- Q Had he been born when Lourine died? A Yes, sir.
- Q And he died before Lourine? A Yes.
- Q How long before? A I do not know exactly.
- Q As much as a year? A I do not think it was.
- Q Was it six months? A It was not that long.
- Q Did he die two months before Lourine died? A It could not be because she was living when the land office opened up; it was about two weeks, I guess.
- Q You say McKinley died before the land office opened? A Yes, he died a week before the land office opened.

Records of the Commission show that Lourine Williamson, a child of witness, Rose Williamson, died in May, 1899.

- Q You are sure that McKinley died before the land office opened, are you? A Yes, I am sure of that.
- Q Does your husband know about that? A I guess he do.

WAS WILLIAMSON, being duly sworn, testified as follows:

BY COMMISSION:

- Q Have you a child named Lourine Williamson? A Yes, sir.
- Q Is she living or dead? A She is dead.
- Q Do you remember the circumstance of her dying? A Yes, sir, I remember her dying.
- Q Was McKinley living when Lourine died? A No, sir.
- Q Did he die before Lourine? A Yes, sir.
- Q How long before? A I do not know.
- Q Do you remember when the land office opened? A Yes, sir.
- Q Was McKinley living then? A No, sir.
- Q How long before the land office opened did he die? A Just a short while before.
- Q And you are certain that he died before your child Lourine died? A Yes, sir, I am sure.

McKinley Williamson... #3.

EXAMINATION BY R. P. DEGRAFFENBERG:

- Q You remember your first coming up here to file? A Yes, sir.
Q Did you come the first day the land office opened? A Yes, sir.
Q Was McKinley Williamson dead then? A Yes, sir.
Q You are certain of that? A Yes, sir.

The records show that a citizenship certificate
was issued to Rose Williamson April 9, 1897.

Bess Ellen Parrish, being sworn on her oath states that as
stenographer for the Comissal to the Five Civilized Tribes she
reported the above case and that this is a full, true and correct
transcrip of her stenographic notes in same.

Subscribed and sworn to
before me this 6th day of
March, 1903.

Bess Ellen Parrish
Robert S. Reed
Notary Public.

Officer in command
of the ship
at the time of the
discovery of the
skeletons on 24 April
1900

Dr. Peter H. Ravn
deceased
born April 29, 1900

Dr. Carl H. Ravn
deceased
born April 29, 1900

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE CREEK AND CHOCOTAH TRIBES

Chocotah, Indian Territory, December 4, 1905.

In the matter of the application for the enrollment of
McKinley Williamson, deceased, as a Creek freedman.

Doreas Love being duly sworn testified as follows:

By COMMISSIONER:

- Q What is your name? A Doreas Love.
- Q What is your age? A I couldn't tell, they pronounce me about 53 or 55.
- Q What is your post office address? A Chocotah.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q To what Creek town do you belong? A Canadian colored.
- Q Do you know Wash and Rose Williamson? A Yes, sir Rose is my daughter and Wash is her husband.
- Q Do you know a child of theirs named McKinley? A Yes, sir.
- Q Did you attend on Rose Williamson at the time McKinley was born? A Yes, sir.
- Q When did the child die? A That's something I don't know, you would have to ask Rose about that.
- Q Do you know what time of the year it was or ^{in what} ~~of the~~ month? A That's something I don't know, never kept up with it, don't know about my own children.
- Q Was the child born in the spring, summer, fall or winter? A Believe it was along towards spring but don't know what month it was.
- Q Was it cold weather? A No, sir, not very cold.
- Q Do you remember the circumstance of the opening of the Creek land office? A Yes, sir but I don't know just when it was.
- Q Was McKinley living at that time? A Yes, sir when I went up and filed he was.
- Q How long had the land office been open when you filed? A Don't know just how long it been open, we was going up the first of the month but didn't get off the first of the month. I don't know what month it was, don't know one month from the other. All I know is they said the first of the month.
- Q How old was the child at the time of its death? A I reckon it was about a year old. It was a good big child, big enough to walk and run around. It couldn't talk but it could understand what you told it.
- Q Are you positive the child was living when you went before the Commission and made selection of land for yourself? A Yes, sir.
- Q How long did it live after you filed? A Couldn't tell that, to tell the truth the child took sick after I got back from filing and died. wasn't sick more than about three days.
- Q Did Wash and Rose have a child named Lourine? A Yes, sir.
- Q Which child died first Lourine or McKinley? A McKinley.
- Q How long before Lourine died did McKinley die? A I couldn't tell you, been so long I can't remember.
- Q Was it as much as a year? A I think it might have been a year. Both of them was good big children before they died.
- Q Why didn't the parents of McKinley file for him at the time they went before the Commission to make selection of land for themselves? A The child was dead then and when she came back they told her she could file for it but when she went to file for the other children she didn't know she could file for dead ones. She filed after I

filled. She couldn't go when I went to file because she was sick in delicate health, couldn't come up to file until after her child Lourine was born.

Q How long after McKinley died was it that the mother went before the Commission and filed for herself and other children? A I don't

know but the child was living when I was up and filed. I remember I bought some toys for Rose's children, Roy and McKinley, on the train when I was coming back, paid twenty five cents apiece for that.

Q What kind of toys did you buy for the children? A Little glass

six shooters with candy in them.

Q Did you ever execute an affidavit about the death of McKinley Williamson? A No.

Q There is an file in the office of the Commissioner and affidavit executed by you stating that McKinley died April 24, 1900. A I might have made one and forgot about it but I don't think I have. I might have made it out and I might not, I don't know. I forget

at some times the children have to correct me about things.

Q Was McKinley living when Lourine was born? A No, sir he was dead.

Q How long had he been dead? A I don't know.

I, Alex Posey, on oath state that the above and foregoing is a true and correct transcript of my notes as taken in said cases on said date.

subscribed and sworn to before me
this 23 day of December 1900.

Carroll
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Chesotah, Indian Territory, December 5, 1906.

In the matter of the application for the enrollment of
McKinley Williamson, deceased, as a Creek freedman.

Rose Williamson, being duly sworn, testified as follows:

BY COMMISSIONER:

- Q What is your name? A Rose Williamson.
- Q What is your age? A I don't know exactly how old I am because
mamma never did keep our age down.
- Q What is your post office address? A Chesotah.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q To what Creek Indian town do you belong? A Canadian colored.
- Q Did you have a child named McKinley Williamson? A Yes, sir.
- Q You have heretofore testified in this case have you not? A Yes, sir.
- Q I went up there to see about it.
- Q Have you succeeded in fixing the date of the child's death?
- A No, sir that is something we never did do keep the date of the
death, I don't know to tell the truth.
- Q Was the child living at the time you went before the Commission
and filed? A No, sir he was dead.
- Q How long had he been dead? A He wasn't dead very long I know but
just exactly how long I don't know.
- Q Had the child been dead as much as a month? A I aint going to be
sure but I think it was.
- Q Have you a child named Lourine? A Yes, sir, it's dead. It was
about three months old when I went up to file.
- Q Was McKinley dead when Lourine was born? A Yes, sir he died just
a few days before Lourine was born.
- Q You are positive that McKinley died before Lourine was born and
that Lourine was about three months old when you went before the
Commission to file? A Yes, sir I am sure.
- Q Your mother, Doreas Love, swears that McKinley was living
when she went and filed for herself? A Mamma, I tell the truth,
don't know much about it. I don't know much but I know she was
mistaken. The child was dead when she filed because we all went up
together and filed. She means the child was living when she went
before the Commission to give in our names. They wasn't filing
when she went up to enroll the children. She went up before the
first day of April. We all went up together on the first day of
April to file and got our tickets but couldn't get in to file and
we came back. We went back up there on Saturday morning and filed.
- Q Was McKinley living when you and your mother went up there to file
on the first day of April? A No, sir, he was dead.
- Q Are you positive? A Yes, sir I am sure he was dead and the reason
why I didn't file for him then was because I heard that we couldn't
file for a child that was dead then.
- Q How long before the first of April did McKinley die? A I don't
know how long it was but I know the child was dead, When we first
went up to file on the first day of April.
- Q Was there any record made of the death of the child? A No, sir we
just put it in the ground and that was all there was to it.
- Q Is Wash Williamson the father of the child? A Yes, sir.
- Q Does he know when the child died? A He say he don't know any more
than I do. He didn't keep track of it. He isn't here today he
went to the country.

Q How old was McKinley when he died? A Two or three years old I guess. He was a great big child.

Q You were advised when you appeared before the Commission at Muskogee March 7, 1905 to have Dr. Pate appear with his books showing the date of the child's death. A I showed him the paper to appear before the Commission October 15 but he got drunk and was put in the cooler and didn't come. After he got out of the cooler he got drunk again and I don't know where he went. That's the reason I didn't appear on the 15th.

Q Where is Dr. Pate at this time? A His wife told me this morning he was gone to Oklahoma. (NOTE: Dr. Pate is no longer a resident of Choctaw having removed, it is said, to Oklahoma.)

I, Alex Pacey, on oath state that the above and foregoing is a true and correct transcript of my notes as taken in said cause on said date.

Subscribed and sworn to before me this 28 day of December 1905.

Alex Pacey
E. J. Pacey
NOTARY PUBLIC

No. 908.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
McKinley Williamson, deceased, as a Creek Freedman.

DECISION.

The records of the Commission show that on December 7, 1901, the affidavit of Rose Williamson relative to the death of her minor child, McKinley Williamson, was filed with the Commission at its office in Muskogee, Indian Territory, which said affidavit is considered as an application for the enrollment of said McKinley Williamson, deceased, as a Creek Freedman. Further proceedings were had February 24, and March 7, 1903.

The evidence shows that said McKinley Williamson, deceased, died prior to April 1, 1899.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said McKinley Williamson, deceased, as a Creek Freedman, and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JUN 14 1905

Muskogee, Indian Territory, February 18, 1905.

Rose Williamson,

Checotah, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits relative to the birth and death of your minor child, McKinley Williamson. You are advised that the Commission desires further evidence in the case.

You are hereby notified that you will be allowed thirty days from the date hereof within which to appear before the Commission at its office in Muskogee, Indian Territory, with Dr. D. M. Pate, the attending physician, Wash Williamson, Dorcas Love and the father of said child, or one other person who knows the facts of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 27, 1905.

Wash Williamson,

Chenotah, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, McKinley Williamson, deceased, as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.
IM-6-27-343.

Muskogee, Indian Territory, June 27, 1906.

DeGraffenried & Scruggs,

Attorneys for Mack Williamson,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of McKinley Williamson, deceased, as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the

same.

Respectfully,

YM-6-27-329.

Chairman.

Muskogee, Indian Territory, June 27, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of McKinley Williamson, deceased, as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

(LM) 4-27-350.

Muskogee, Indian Territory, June 27, 1905.

The Honorable,

The Secretary of the Interior.

Sir,

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of McKinley Williamsen, deceased, as a citizen of the Creek Nation, including the decision of the Commission, dated June 14, 1905.

Respectfully,

Chairman.

Through the

Commissioner of Indian Affairs.

Da-6-27-231.

Refer in reply to the following:
Land: 50150-1905.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 27, 1905, transmitting the record of the application as a Creek Freedman by Rose Williamson for her minor child, McKinley Williamson, deceased.

June 14, 1905, the Commission decided adversely to the application.

The record shows that McKinley Williamson died prior to April 1, 1899.

In view of the record the approval of the Commission's decision adverse to the application is recommended.

Very respectfully,

* G. F. Larrabee,
Acting Commissioner.

I.T.D. 3892-1906.

Vol. 101. 128.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, August 3, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 27, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of McKinley Williamson, deceased, as a Creek Freedman, including its decision of June 14, 1905, rejecting said application.

Reporting July 19, 1906, the Indian Office recommends that the Commission's decision be approved. A copy of its letter is inclosed.

Wash Williamson and Rose Williamson, father and mother of said McKinley Williamson, both state that he died prior to the opening of the Creek Land Office. Their testimony, however, is indefinite as to the date of the birth of said child and as to the date of his death. Dorcas Love states in an affidavit dated November 1901, that she was personally acquainted with McKinley Williamson and that he died on the 24th day of April, 1900. D. M. Pate, in an affidavit dated October 26, 1901, states that he attended at the birth of McKinley Williamson, and that said McKinley Williamson was born on the 24th day of April, 1900.

In view of these affidavits, the Department does not feel warranted in approving the decision of the Commission adverse to the

2-

applicant. There is nothing to show whether the affidavit of the attending physician was made upon the strength of his memory or from notes made at the date of the birth of the child, or what circumstances existed which caused him to remember the exact date. The case is hereby remanded and it is desired that you secure the affidavit of the attending physician giving the information suggested above, also that the father of the applicant be given an opportunity to submit such additional testimony as he may desire.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

2 inclosures

(Copy)

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Cr En 906.

Muskogee, Indian Territory, January 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

June 14, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of McKinley Williamson (deceased), as a Creek Freedman, for the reason, as stated in said decision, that said McKinley Williamson (deceased) died prior to April 1, 1899.

August 5, 1905 (I.T.D. 8802-1905), the Department remanded the case, stating that in view of the affidavit of Dorcus Love to the effect that said McKinley Williamson died April 24, 1900, and of the affidavit of Dr. D.M. Pate to the effect that said McKinley Williamson was born April 24, 1900, it did not feel warranted in approving the decision of the Commission adverse to the applicant, and requesting this Office to secure the affidavit of said D. M. Pate relative to his means of obtaining knowledge of the matters sworn to by him in his affidavit of October 28, 1901.

On August 14, 1905, Wash Williamson, the father of McKinley Williamson, and DeGraffenried & Scruggs, his attorneys, were advised of the action of the Department, and were notified to appear before this Office on August 30, 1905, with D. M. Pate and

Secretary 2.

such other witnesses as they might desire to introduce relative to the dates of the birth and death of said McKinley Williamson. The attorney for the Creek Nation was also advised of the action of the Department and of the date set for the hearing. No appearances were made on the day set, and on September 26, 1905, the parties in interest were advised that the hearing in the case had been reset for October 18, 1905, on which date they again failed to appear.

On December 4, 1905, Dorcas Love, the grandmother, and on December 5, 1905, Rose Williamson, the mother of McKinley Williamson, appeared before a field party from this Office, at Chacotah, Indian Territory, and submitted testimony in the case.

Dorcas Love testified that she did not remember the date of McKinley Williamson's death, but that he was living when she went up to file, and that he died before her sister, Lorena, was born. She also testified that the child was dead before its parents filed on their land.

The records of this Office show that Dorcas Love and the parents of McKinley Williamson filed on their allotments April 8, 1899, and from the affidavit executed April 8, 1899, by Dorcas Love and Rose Williams (the name given by Rose Williamson at the time of her enrollment), it appears that Lorena Williams was born

Secretary 3.

January 2, 1899.

Rose Williams (or Williamson) testified that McKinley died before Lorena was born, and that he died before she filed on her land. She also stated that when Dorcas Love said that McKinley was living when she filed on her land, she was probably referring to the enrollment, and not to the filing. The records of this Office show that Dorcas Love and Rose Williams were listed for enrollment by the Commission to the Five Civilized Tribes in August, 1898.

Rose Williams also stated that on two occasions she tried to have Dr. D. M. Pate appear before this Office, but that he got drunk both times and she gave up fooling with him. Dr. Pate has since removed from Indian Territory, and, as his ex parte affidavit could have but little or no weight, either in corroborating or in contradicting the positive statement of the applicant's mother, no further effort has been made to secure his evidence.

In view of the evidence in the case, I am of the opinion that McKinley Williamsen died prior to April 1, 1899, and I have the honor to respectfully recommend that the decision of the Commission to the Five Civilized Tribes denying the application for his enrollment as a Creek Freedman be affirmed.

Secretary 4.

The record in the case is herewith enclosed for Departmental consideration.

Respectfully,

Commissioner,

Through the
Commissioner of Indian Affairs.

JYM-L-26

906
COPY

DEPARTMENT OF THE INTERIOR, LLB
Washington

OR

I.T.D. 2540-1906.

February 17, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 8, 1906, you retransmitted the remanded record in the matter of the application for the enrollment of McKinley Williamson, as a deceased infant, as a Creek freedman, including the decision of the Commission to the Five Civilized Tribes dated June 14, 1905, denying said application.

February 12, 1906, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission denying said application, be affirmed.

The Department concurs in the recommendation made, and the decision of the Commission to the Five Civilized Tribes dated June 14, 1905, denying the application for the enrollment of McKinley Williamson, a deceased infant, as a Creek freedman, is hereby affirmed.

A copy of the Indian Office letter is inclosed.

Respectfully,

Thos Ryan
First Assistant Secretary.

1 inclosure.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND:
3548-1906.

February 12, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 8, 1906, transmitting the record of the application for enrollment as a Creek Freedman of McKinley Williamson, deceased.

June 14, 1905, the commission decided adversely to the application.

The record shows that McKinley Williamson died prior to April 1, 1899.

In view of the record and of the Act of March 1, 1901 (31 Stat., 861), the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

EDM
C

Cr. Pa. 234.

Muskogee, Indian Territory, February 26, 1906.

Wash Williamson,

Checotah, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, on February 17, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of your deceased minor child, McKinley Williamson, as a Creek Freedman.

Respectfully,

Acting Commissioner.

Or. En. 906.

Muskogee, Indian Territory, February 26, 1906.

DeGraffenried & Scruggs,
Attorneys for Wash Williamson,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, on February 17, 1906, affirmed the decision of the Commissioner to the five Civilized Tribes denying the application for the enrollment of McKinley Williamson, deceased, as a Creek Freedman.

Respectfully,

Acting Commissioner.

Cr. En. 906.

Muskogee, Indian Territory, February 26, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:-

You are hereby advised that the Secretary of the Interior, on February 17, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of McKinley Williamson, deceased, as a Creek Freedman.

Respectfully,

Acting Commissioner.

CR EN 907

CR EN 907

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, MARCH 22, 1902.

-00000-

In the matter of the application for the enrollment of
Bennie Jimerson, deceased, as a Creek Freedman.

CHARITY JIMERSON, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Charity Jimerson---it used to be Charity Roberts before I was married.
Q How old are you? A 23.
Q What is your postoffice address? A Gibson Station.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you got your land? A Yes, sir.

Witness is identified as Charity Roberts on Creek Freedmen Card, Field Number 668, and her name is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior March 28, 1902, Roll Number 2563.

- Q Did you have a child named Bennie Jimerson? A Yes, sir.
Q That was your child was it? A Yes, sir.
Q What was the name of that child's father? A Sanford Jimerson.
Q Was he a citizen of any Nation in Indian Territory? A He was a citizen of the Cherokee Nation.
Q Is he living? A Yes, but he is in the pen.
Q Was application ever made for the enrollment of this child as a Cherokee citizen? A No.
Q Was application ever made for the enrollment of this child as a citizen of the Creek Nation? A Yes, sir.
Q In what form was application made? A Just an affidavit is all that I knew.
Q When was Bennie Jimerson born? A July 14, 1899.
Q Can you read and write? A Yes.
Q What year is this? A I have it here on a paper---July 14th is what I've got it down here.
Q Have you got the date of Bennie's birth written down anywhere? A Yes, I have it down at home.
Q In what kind of a book is it written? A One of these large bibles that family records are in.
Q Who wrote it in there? A I did.
Q When? A Directly after he was born.
Q How many days after he was born did you make that entry? A Why---the next day.
Q What did you write it with---pen or pencil? A Pen.
Q Is there anything else on that page? A Yes.
Q Anything else about the birth of this child? A Yes, just about him that is all.
Q Is there anything else on that page about anybody else? A No, just him.
Q What does it say in that bible? A Says Bennie Jimerson was born

Bennie Jimerson. . . #2.

- July 14, 1899. He will be six years old this coming July.
- Q Is that all that it says? A Yes, that is all.
- Q Is Bennie living? A No, he is dead.
- Q When did he die? A He was not but six days old when he died; he did not live very long.
- Q Are you positive that he lived only about six days? A Yes.
- Q Are you positive that he did not live as much as a month? A Yes, he did not live as much as a month.
- Q He didn't? A No.
- Q Did you put down the date of his death in that book? A I did not put down the date of his death; he just lived six days that, was all.
- Q And you did not put that down in the bible? A No, I did not put it down.
- Q Who was present when Bennie Jimerson was born? A My mother, Rachael Grayson.
- Q Did she know when he was born? A Yes.
- Q You are positive that the child lived only about a week? A Yes, just six days.
- Q Just six days exactly? A Yes.

RACHAEL GRAYSON, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Rachael Grayson.
- Q How old are you? A I cannot tell.
- Witness appears to be about thirty-nine years old.

Witness was listed on Creek Freedmen Card #668, September 1898, and her age was then given as thirty-three.

- Q Have you a daughter named Charity Jimerson? A Yes.
- Q Did she have a child named Bennie Jimerson? A Yes, sir.
- Q What is your postoffice address? A Gibson Station.
- Q Did you ever see that child, Bennie Jimerson? A Yes, sir, guess I did see him--she stayed right in the house with me and the child was born in my house.
- Q Was you there when it was born? A Yes, sir.
- Q When was it born? A I've forgot.
- Q Do you know what year? A September---I disremember now what year it was born in.
- Q Do you remember about how many years ago it was born? A It was born the same year we begun filing.
- Q That was in 1898? A Yes.
- Q Do you remember when the land office opened? A I don't remember the date, sir.
- Q Well, do you remember that circumstance? A Yes.
- Q Was that child born after the land office opened? A I think so.
- Q Is that child, Bennie, living? A No, he is dead.
- Q How old was he when he died? A About a week old when he died.
- Q Are you sure that it was not a month old? A No, it did not live a month.
- Q Are you the grandmother of Bennie Jimerson? A Yes, sir.
- Q Do you know positively that he did not live a month, and that he was born after the land office opened? A Yes, she was not here and I filed for the mother.

CHARITY JIMERSON, recalled, testified as follows:

EXAMINATION BY COMMISSION:

- Q There are on file with the Commission birth and death affidavits concerning Bennie Jimerson, executed by Charity Jimerson September

Bennie Emerson... #3.

8, 1902. (Witness is shown said affidavits). Is that your

Q Do you know Harry G. Davis? A No answer.

Q Do you remember these affidavits, the signature of which you have just recognized as your own? A Yes.

Q Were they read over to you? A I think they were.

Q Is the statement in here about the birth, and about the death correct? A They did not say anything about it.

Q In this birth affidavit you stated that Bennie Jimeron was born July 14, 1899, and the same date you have on that envelope or piece of paper, which you are consulting so studiously----- in this death affidavit you stated that your child, Bennie Jimeron died May 17, 1901, which is nearly a year afterwards, is that correct? A No.

Q Then this affidavit is wrong is it? A Yes. It was born July 14, 1894 and died six days later.

Kern Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zeia Ellen Parrish

Subscribed and sworn
to before me this 27th day
of March, 1905.

Edward Russell

Notary Public.

No. 107.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Bennie Jimerson, deceased, as a Creek Freedman.

DECISION.

The records of the Commission show that on September 8, 1902, the affidavits of Charity Jimerson, relative to the birth and death of her minor child, Bennie Jimerson, were filed with the Commission at Muskogee, Indian Territory, which said affidavits are considered by the Commission as applications for the enrollment of said Bennie Jimerson, deceased, as a Creek Freedman. Further proceedings were had March 25, 1903.

The evidence shows that said Bennie Jimerson, deceased, was born July 14, 1899, and that he died six days later.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Bennie Jimerson, deceased, as a Creek Freedman and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
JUN 14 1905

J. S. M.
D. A. 94.

Muskogee, Indian Territory, November 17, 1903.

Chairty Jimmerson,

Wybark, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits executed by you relative to the birth and death of your minor child, Bennie Jimmerson, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 27, 1906.

Charity Jimsen,

Sibon Station, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Bennie Jimsen, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.
IX-6-27-316.

Chairman.

Cr.En.907.

Muskogee, Indian Territory, June 27, 1905.

M. L. Hott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Bonnie Jimmerson, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

YM-6-27-317.

Chairman.

Gr. No. 907.

Muskogee, Indian Territory, June 27, 1906.

The Honorable,

The Secretary of the Interior

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Dennis Minner-son, deceased, as a Creek Freedman, including the decision of the Commission, dated June 14, 1906.

Respectfully,

Jams Bixoy.

Chairman.

Through the

Commissioner of Indian Affairs.

DM-6-27-518.

✓ 907
DEPARTMENT OF THE INTERIOR,
Washington.

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FMS

1-1-25
9000-1908

August 15, 1905.

The Commissioner to the Five Civilized Tribes,
Muskogee, Ind. Ter.

Sir:

June 27, 1905, the Commission transmitted the record of the application of Charity Jimerson for the enrollment of her deceased minor child, Bennie Jimerson, as a Creek freedman, including the decision of the Commission, dated June 14, 1905, denying said application on the ground that the evidence shows that the said Bennie Jimerson, deceased was born July 14, 1899 and died six days later.

July 22, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision, denying said application, be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made, and the decision of the Commission, dated June 14, 1905, denying the application of Charity Jimerson, for the enrollment of her deceased minor child, Bennie Jimerson, as a Creek freedman, is hereby affirmed.

Respectfully,

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Thos Ryan
Acting Secretary

Refer in reply to the following
Land
80169-1905

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS.

Washington: July 22, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 27, 1905, transmitting the record of the application for enrollment as a Creek freedman by Charity Jimerson for her minor child, Bennie Jimerson, deceased.

June 14, 1905, the Commission decided adversely to the application.

The record shows that Bennie Jimerson was born July 14 1899, and died six days later.

In view of the record the approval of the Commission's decision adverse to the application is recommended.

Very respectfully,

C.F. Larrabee
Acting Commissioner

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907.

Muskogee, Indian Territory, August 22, 1905.

Mr. La Mott,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of August 15, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, denying the application of Charity Jimerson for the enrollment of her minor child, Bennie Jimerson, deceased, as a Creek freedman.

Respectfully,

Commissioner.

En 107.

Muskogee, Indian Territory, August 23, 1906.

Charity Jimerson,

Siboom Station, Indian Territory.

Dear Madam:

You are hereby advised that under date of August 15, 1906, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1906, denying your application for the enrollment of your minor child, Bennie Jimerson, deceased as a Creek freedman.

Respectfully,

Commissioner.

CR EN 908

CR EN 908

En. 908.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, APRIL 28, 1903.

-00000-

In the matter of the application for the enrollment of J. C., Josie Mays, Jessie, Iness, Barney and Edna Coble as citizens of the Creek Nation.

A letter and affidavit of J. C. Coble, purporting to be an application for the enrollment of himself and wife, Josie Mays Coble, and his four minor children, Jessie, Iness, Barney and Edna Coble, were filed with the Department July 18, 1904. Said letter and affidavit were referred to the Commission to the Five Civilized Tribes and were received by said Commission July 25, 1904, and are considered as an application for the enrollment of said J. C., Josie Mays, Iness, Barney and Edna Coble.

J. C. COBLE, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A J. C. Coble.
Q Is your name Coble or Cable? A Coble it aught to be spelled but they got it Cable there.
Q How old are you? A Forty-two; I will be forty-three if I live to see the 1st day of this coming July.
Q What is your postoffice address? A Coweta.
Q Are you a citizen of the Creek Nation? A I am.
Q How long have you lived in the Creek Nation? A Ten years.
Q Where did you come from to the Creek Nation? A Texas.
Q Did your father and mother live in the Creek Nation? A No, my mother died in Texas; my father lived in the Creek Nation.
Q Was your father a citizen of the Creek Nation? A No.
Q Was your mother a citizen of the Creek Nation? A Yes, she was by her mother.
Q Were you in the Creek Nation in 1895? A Yes.
Q Did you draw the \$14.40 payment made to Creek citizens at that time? A No.
Q Were you in the Creek Nation in 1890? A In 1890---yes.
Q Did you draw the \$20.00 payment made to Creek citizens at that time? A No, I have drawn no payments at all.
Q To what Creek Town do you claim to belong? A I claim to belong to Quassartee Town.
Q You say your father was not a citizen of the Creek Nation? A No.
Q Was he an Indian at all? A He claimed to be some Choctaw but it has never been proven.
Q Did your mother ever live in the Creek Nation in Indian Territory? A No.
Q Was your mother an Indian or a slave? A An Indian.
Q Did she live in the Creek Nation in Alabama? A No,---yes, she went to Alabama with her mother.

Coble. #2.

- Q Did she try to come to the Creek Nation in Indian Territory?
A Yes, grandmother got as far as Texas and then grandmother
~~she died and she next year my mother died~~
- Q Did your mother die before or after the war? A She died
since the war.
- Q You were born while the war was going on were you not? A Yes,
I was born in 1862.
- Q Are you married? A Yes.
- Q What is the name of your wife? A Jonie.
- Q Is she a citizen of the Creek Nation? A No.
- Q Is she a citizen of any Nation in Indian Territory? A No.
- Q She is a State woman is she? A Yes.
- Q Have you some children? A Yes.
- Q What is the name of the oldest? A Jennie.
- Q How old is she? A Sixteen.
- Q What is the name of the next? A Iness.
- Q How old is she? A Five.
- Q The next? A Barney.
- Q How old is Barney? A Seven years.
- Q The name of the next? A Rena.
- Q How old is she? A Five.
- Q Is that all? A No, I have got another one born since that
application was made.
- Q What is the name of that child? A David.
- Q When was he born? A Last May.
- Q Is he living? A Yes.
- Q You say that your wife, Jonie Mays, is not a citizen of the
Creek Nation? A No, she is not a citizen.
- Q Then you make no claim for citizenship for her? A No.
- Q Did you ever apply to the Creek Council to be admitted? A Yes.
- Q When was that? A The first time it has been about seven years,
and then five years ago I went before the Committee out there,
at the time the Texas Indians was to be enrolled, and made ap-
plication before them and was received, and they told me to get
a place and locate on it and then after that I heard that the
Dawes Commission had something to say about the rights of
citizens and so I came to Mr. Needles and he said that the Rolls
had closed, and then after that I took no steps until this last
July. I had two attorneys---one was Tom Adams and the other
Robert Stewart.

Witness is advised that he will be allowed to make
any statement that he may desire.

STATEMENT BY WITNESS, J. C. COBLE, the applicant:
I will say that I think I have a right for this reason-
that the time the Texas Indians was to be enrolled I came
according to their request and was received by the Citizen-
ship Committee, but they left me out---I do not know why.

WILEY SUCKEY, being duly sworn, testified as follows
through Official Interpreter, MRS. LOLA HARRICK:

WE PROCEED NOW:

- Q What is your name? A Wiley Suckey.
- Q How old are you? A I don't know.
(Witness appears to be about fifty-five years old).
- Q What is your postoffice address? A Muskogee, I. T.
- Q Do you know J. C. Coble? A Yes.
- Q How long have you known him? A Ten or more years.
- Q Did you know his mother? A No.
- Q You may just tell me what you know about J. C. Coble? A I used
to see him around during Council at Okmulgee when I was a member

Coble. : \$3.

of the Council, and then after that I saw him at Broken Arrow. Coble came before the Council and stated that his grandfather's name was Bufaula Harjo Post oak, and Bufaula Harjo Post oak had a son by the name of Taylor Post oak, and this man Coble is Taylor Post oak's sister's child.

Q What was the name of Coble's mother? A Don't know.

Q Was she the daughter of Bufaula Harjo Post oak? A She was. She did not come to this country. Bufaula Harjo Post oak died before the war.

Q Did his daughter, Coble's mother, ever come to this country? A No.

Q Did or do you hold any position in the Creek Nation such as Town King or Warrior? A No.

Q To what Town in the Creek Nation do you claim to belong? A Coweta.

J. C. Coble, Applicant, re-called:

Q Have you any questions you wish to ask the witness? A No.

TOBE McINTOSH, being duly sworn, testified as follows:

BY COMMISSION:

Q What is your name? A To be McIntosh.

Q How old are you? A About---near seventy---do not know my correct age exactly.

Q What is your postoffice address? A Muskogee, I. T.

Q Are you a citizen of the Creek Nation? A I used to be one.

Q You are still a citizen are you not? A Yes, a citizen of this country for a number of years. I was raised here.

Q Do you know J. C. Coble? A I do.

Q How long have you known him? A Eight or nine years.

Q Did you know his mother? A No.

Q To what Creek Town do you belong? A Coweta.

Q Do you know what Creek Town Coble claims to belong to? A I do not know his Town exactly. These districts have been separated, torn up and separated from other towns that I do not know.

Q Did you come with the Creeks from Alabama? A Yes.

Q Did you ever know his mother in Alabama? A No.

Q Did you know any of his family there? A No, I was too small.

Q Did you ever know Bufaula Harjo Post oak? A Yes, well. He was second Chief of this country. I raised him. I was small when I emigrated.

Q How long ago did Bufaula Harjo Post oak die? A He died before the war.

Q Did you know his children? A Yes--Post oak was an old man when he died. When they emigrated from Alabama they did not all come in a bunch, but two, three, four and so on come at one time and then one, two three and four years they would come. They did not all come the same year.

Q You say you knew his children? A No, I did not say I knew his children. I knew old man Post oak's children.

Q Do you know any children of Bufaula Harjo Post oak? A Yes.

Q You may give me the names of the children that you knew? A Taylor Post oak, Sampson, that was another boy; the daughter, I do not know her name.

Q Did that daughter come here to the Creek Nation? A Yes.

Q Do you know when she died? A I do not.

Q Did she go out of the Creek Nation? A No.

Q Did she die here in this country? A Yes, right in this country.

Q Did she ever have any children that you know of? A I do not remember that.

Q Do you know whether or not she was married? A Yes, I know she had a husband.

Q Was her husband a white man or an Indian? A Indian--full blood.

Q Was she a full blood Indian? A Yes.

Coble... #4.

- Q Do you know if she was the mother of J. C. Coble? A I could not swear it.
- Q Do you know her husband's name? A No.
- Q When did you first know this man Coble? A I first knew him at the Council, and when I first met him he was living on Peach Creek.
- Q Do you know if his name was on the Tribal Roll of the Creek Nation? A I do not know.
- Q Did you ever hear whether Kufaula Harge Post oak had a daughter than he left in Alabama? A I heard talk of it but I do not know it. I heard the old man talk about it with McIntosh, but I do not know.
- Q You do not remember her name? A No, that I cannot think of.

J. C. COBLE, re-called:

- Q What is the name of your mother? A My grandmother's name was Liza.
- Q Liza what? A Liza Post oak, and she married a man by the name of Cain.
- Q Was he a white man, Indian or Negro? A Colored man.
- Q And that man was the father of your mother? A Yes.
- Q Do you know where your mother was born? A No, I do not know whether she was born in Alabama or Mississippi with grandmother and was making her way to this country, but I have an aunt older than mother living in Alabama.
- Q Was your mother married? A Yes.
- Q Was she married to your father? A Yes.
- Q What is the name of your father? A Amity Coble.
- Q Was he a white man, Indian or Negro? A Mixed blood--Shoataw.
- Q What is the name of the mother of your children? A Josie.
- Q Is she the mother of all your children that you have named here? A All but one--Jessie.
- Q What was her mother's name? A Elmira.
- Q Elmira what? A Elmira Ewitt.
- Q Were you married to her? A Yes.
- Q Who was Josie's father? A Henry Mays.
- Q Is he a white man or a Freedman? A Cherokee and Freedman.
- Q What is the name of Josie's mother? A Bettie Mays. Her nationality comes from the Creeks but it has not been proven.
- Q Was she a full blood Indian? A No, not a full blood.
- Q Josie's mother's maiden name was Elmira Ewitt before you married her? A Yes, that is right.
- Q What is Josie's mother's nationality? A She is said to be mixed with Creek.
- Q Before you married Josie her name was Josie Mays, is that right? A Yes.
- Q About how old was she? A She is about twenty-three--that is she was when I married her.
- Q What is the name of her father? A Henry Mays.
- Q And what is the name of her mother? A Bettie Mays.

Lera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Subscribed and sworn to before
this 27th day of April, 1905.

Lera Ellen Parrish

Edward H. Herriot
Notary Public.

I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
J.C.Coble, Josie Mays Coble, Jessie Coble, Iness Coble, Barney
Coble and Edna Coble, as citizens by blood of the Creek Nation.

SUPPLEMENTAL STATEMENT.

Tribal Rolls of the Creek Nation in the possession of the
Commission examined and none of the applicants herein identified
on any of said rolls.

Record of the proceedings of the Colbert Commission exam-
ined and it does not appear that application was made to said
Commission for the admission of the applicants herein, or any of
them, to citizenship in the Creek Nation.

Record of the proceedings of the Commission to the Five
Civilized Tribes under authority of the act of Congress of June 10,
1896, examined and it does not appear that application was made to
said Commission for the admission of the applicants herein, or any
of them, to citizenship in the Creek Nation.

W. O. Beall
Acting Commissioner.

Muskogee, Indian Territory,

August 16, 1905.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of J.C.Coble, Josie Mays Coble, Jessie Coble, Iness Coble, Barney Coble and Edna Coble, as citizens by blood of the Creek Nation.


DECISION.

The record in this case shows that on July 23, 1904, the affidavit of J.C.Coble relative to the right to enrollment as citizens by blood of the Creek Nation of himself, his wife, Josie Mays Coble, and their four minor children, Jessie Coble, Iness Coble, Barney Coble and Edna Coble, was received by the Commission to the Five Civilized Tribes by reference from the Secretary of the Interior, which said affidavit is considered as an application for the enrollment of said J. C. Coble, Josie Mays Coble, Jessie Coble, Iness Coble, Barney Coble and Edna Coble, as citizens by blood of the Creek Nation. Further proceedings were had April 25, 1905, and August 16, 1905.

The evidence shows that said Jessie Coble, Barney Coble, Iness Coble and Edna Coble are the minor children of said J. C. Coble and Josie Mays Coble, and that none of the applicants are full blood Creek Indians.

The evidence further shows that none of the applicants have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said J. C. Coble, Josie Mays Coble, Jessie Coble, Iness Coble, Barney Coble and Edna Coble, or any of them, as citizens by blood of the Creek Nation, and the application for their enrollment as such is accordingly denied.


Commissioner.

Muskogee, Indian Territory,

Oct 12 1905

ROBERTSON & KING,
LAWYERS,
IOWA BUILDING,
MUSKOGEE, INDIAN TERRITORY.

W. G. ROBERTSON,
JOHN E. KING.

Coweta, Indian Territory,

July 15th 1904.

Hon. Secretary of the Interior,

Washington, D. C.

Dear Sir:--

I herein enclose an application to be placed on the Creek rolls here, as, sometime ago I was directed by Col. Needles, of the Commission, to lay the matter before you, which I do, and ask that I may have an opportunity to have my witnesses before the Commission and take their testimony and be heard in the premises. I think I am entitled to enrollment and hope the Department will give me a hearing

Yours very truly,

J. H. Noble

INDEXED.

25643

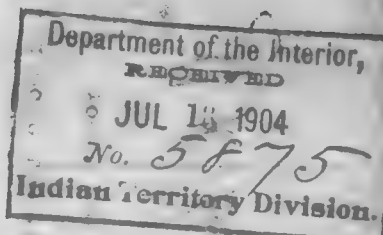
JUL 25 1904

7/28/04 J. J. B.

Coble, J. C.
Coweta, I. T.
July 13, 1904.

Encloses an application for
enrollment, addressed to the
Secretary of Interior.

CREEK ENROLLMENT.



1905

Alameda J. T. rch 21

Hon. Darius Commission
Washington D.C.

Sir, on July 23 1904
I received a letter from the Hon.
Sec Interior stating that my
application to be placed on
the Creek Rolls had been
referred to the Commission to
the Five Tribes for appropriate
action will you kindly inform
me if I have been any action
and if so what was the result.
I am very anxious to know
I am very Resp. Your Obedient
Servt J. T. Alameda -

MAILED

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
13859	MAR 22	Book	Page
1906		905	

Cable, J.C.,
 Coweta, I.T.,
 Creek Nation,
 March 21, 1905.

Asks status of his application
 for enrollment as Creek.

CREEK ENROLLMENT.

Department of the Interior,

INDEXED

APR 30 1905

COMMISSION TO FIVE TRIBES

No. 3305
Indian Territory Division.

No.	Received	INDEXED
		Book Page
18926 1905	APR 15 1905	

Dennis, Annie,
Muskogee, I.T.,
April 6, 1905.

4/17/05

Application for enrollment
as Creek Freedman.

Department of the Interior,

Apr. 13, 1905

Respectfully referred to the
Commission to the Five Civil-
ized Tribes for consideration
and appropriate action.

Thos. H. ...
Acting Secretary

CREEK ENROLLMENT

Madison S. G.

April 6th 1905.

To the Hon Secretary of the Interior

Washington D.C.

Sir,

I am applicant for Citizenship
of the Indian Territory as a
Custodian. My Grandfather
Name is Willie Mitchell
the wife of Dr. Mitchell
Custodian and on
the Gun Roll of 1867 my
Name is Annie Dennis.

Her, Annie, Mitchell, my
Mother Name is Annie Mitchell
who is now dead I must most
Respectfully ask any investigation
of my case as I have
any copy produce whatever was.

Will certify in my case
Hoping to get any answer

and I remain yours &c
Mrs Annie Dennis
Lock Box 332

INDEXED

COMMISSION TO FIVE TRIBES.

No.

8577

1905

APR 14 1905

Book Page

(A-0) 4-17-05

Cable, J.C.,
Muskogee, I.T.,
April 5, 1905.

Relative to his application
for enrollment as citizen
of the Creek Nation.

CREEK ENROLLMENT

16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

Department of the Interior,

RECEIVED

APR 5 1905

No. 3279

Indian Territory Division.

Department of the Interior,

Apr. 11, 1905.

Respectfully referred to the
Commission to the Five Civil-
ized Tribes for report and
recommendation.

Hoelgan

Acting Secretary.

Mustoe & T.
April 5 - 1905

To the Hon Secretary of Interior
Washington D.C.

Sir

Your letter of July 23-1904
of the application of J.C. Cable
and for his enrollment of the
Crest Rollo and to him
have been refused to admit
Duros Commissions and
they fail to act and have
not acted in this case.

I must most respectfully
ask your action in this case
on the 24 day of March
1905. I received a letter from
Mr. Bixby, Chairman asking
me to present more evidence.
This I decline to do as
the testimony made by me
and my witnesses I thought was
sufficient, and so days the
Department must I must be
to know from you at once
why that the Court and
I not act under your instructions.
Very truly yours
J.C. Cable
Corona N.Y.

S.A.

Muskegee, Indian Territory, April 20, 1905.

W. C. Cable,

Coweta, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of April 5, 1905, by reference from the Secretary of the Interior, in which you state that you received a letter from the Commission on the 24th of March, 1905, advising you to introduce further evidence in the matter of the application for the enrollment of yourself and your minor children as citizens of the Creek Nation. You further state that you consider the evidence submitted by you sufficient to establish your rights, and that you decline to comply with the request of the Commission.

You are again advised that the Commission desires further evidence in said matter, and that you will be allowed thirty days from date within which to produce same before the Commission at its office, in Muskegee, Indian Territory; that in the event of your failure so to do, the case will be adjudicated upon the record as it now stands.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 19, 1906.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

In the testimony taken in the matter of the application for the enrollment of his minor children as citizens of the Creek Nation, J. C. Coble states that Josie Mays (or Josie Coble), the mother of his said minor children; Inez, Barney and Edna Coble, is a Cherokee Indian.

You are requested to advise the Creek Enrollment Division if application has been made for the enrollment of said Josie Mays (or Coble) and her said minor children, or any of them, as citizens of the Cherokee Nation.

A copy of the testimony of April 25, 1905, in said case, is herewith enclosed.

Respectfully,

Chairman.

LYM-19-2

✓
En. 908.

Muskogee, Indian Territory, August 20, 1908.

J. G. Coble,

Coweta, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of August 21, 1908, inquiring as to the status of the matter of your application for enrollment as a citizen by blood of the Creek Nation.

In reply you are advised that said case is pending before this office and that when final action is had in the matter, you will be duly notified.

Respectfully,

Commissioner.

Or En 908

Muskogee, Indian Territory, October 14, 1905.

J. G. Coble,

Coweta, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself, your wife, Josie Mays Coble, and your minor children, Jennie, Iness, Barney and Edna Coble, as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this Office is informed of the same.

Respectfully,

Commissioner.

JIM-14-10

Muskogee, Indian Territory, October 14, 1906.

M. L. Kott.

Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of J. C. Coble, et al. as citizens of blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

JYL-14-11

Gr En 900

Muskogee, Indian Territory, October 14, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of J. C. Noble, et al. as citizens by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes dated October 12, 1906.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

JY-14-12

#908 ✓

DEPARTMENT OF THE INTERIOR

I.T.D.14620-1905
LRS

WASHINGTON. November 15, 1905 JP THE

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 14, 1905, you transmitted the record in the matter of the application of J.C.Coble for the enrollment of himself, his wife, Josie Mays, Coble, and ~~two~~ four minor children, Jessie, Iness, Barney and Edna Coble, as citizens by blood of the Creek Nation, including your decision of October 12, 1905, rejecting said application.

Reporting November 4, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,
Thos Ryan

First Assistant Secretary

1 inclosure

Refer in reply to the following

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

WASHINGTON
November 4, 1905

Land
83787-1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the five civilized Tribes, dated October 14, 1905, transmitting the record of the application made July 23, 1904, for enrollment as citizens by blood of the Creek Nation by J.C.Coble for himself, his wife, Josie Mays Coble and their four minor children, Jessie, Iness, Barney and Edna Coble.

October 12, 1905, the Commissioner decided adversely to all the applicants.

The record shows that Jessie, Barney, Iness and Edna Coble are the minor children of J.C. and Josie Mays Coble, and that none of the applicants is a full blood Creek Indian. It is further shown that none of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commissioners decision adverse to all the applicants is recommended.

Very respectfully

MM W

C.F.Larrabee
Acting Commissioner

En.908

Muskogee, Indian Territory, November 22, 1905.

J. G. Coble,

Coweta, Indian Territory.

Dear Sir:

You are hereby notified that under date of November 15, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying the application made by you for the enrollment of yourself, your wife, Josie Mays Coble, and your minor children, Jessie, Iness, Barney and Edna Coble, as citizens by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

En. 908.

Muskogee, Indian Territory, November 22, 1905.

M. E. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of November 15, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying the application of J. C. Goble for the enrollment of himself, his wife, Josie Mays Goble, and his minor children Jessie, Iness, Barney and Edna Goble, as citizens by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, August 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of November 15, 1905, (I.T.D.14620-1905), affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying the application for the enrollment of J. C. Coble, his wife, Josie Mays Coble, and their minor children, Jessie, Iness, Barney and Edna Coble, as citizens by blood of the Creek Nation.

There is transmitted herewith ^{affidavit} petition for rehearing of said case, together with petition, filed with this office June 25, 1906.

The statements set forth in said petition and in the accompanying affidavit, as grounds for rehearing, differ in no material respect from the evidence previously submitted and upon which said decision of the Commissioner

was based.

In view of the facts in the case, I respectfully recommend that said petition for rehearing be denied.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

AG-3

D.C.40484
1906

J.P.

I.T.D.15688-1906
LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON. September 13, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

September 4, 1906, the Indian Office submitted your report transmitting a motion for review in the Creek enrollment case of J. C. Coble et al., and concurred in your recommendation that the motion be denied, as it was considered that the statements set forth in said petition and in the accompanying affidavit differed in no material respect from the evidence previously submitted and upon which decision of the Commissioner to the Five Civilized Tribes, adverse to the applicants, was based.

As it appears that none of the applicants have ever been enrolled as citizens of the Creek Nation, nor have they or any of them ever been admitted to citizenship in said nation, the Department is at a loss to know under what provision of law the principal applicant considers that he and his family are entitled to enrollment.

The motion does not make out a prima facie case for further investigation and is denied.

Respectfully,

Jesse E. Wilson
Assistant Secretary

Muskogee, Indian Territory, September 25, 1906.

J. C. Goble, '

Coweta, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 13, 1906, the Department denied the motion for rehearing filed with this office June 25, 1906, in the matter of the application for the enrollment of yourself, your wife, Josie Mays Goble, and your children, Jessie, Iness, Barney and Edna Goble as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, September 25, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 13, 1906, the Department denied the motion for rehearing filed with this office June 25, 1906, in the matter of the application for the enrollment of J. C. Goble, his wife, Josie Mays Goble, and their children, Jessie, Iness, Barney and Edna Goble as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

CR

EN 909

CR EN 909

C. I.- 1010.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MAY 4, 1905.

-ooOoo-

In the matter of the application for the enrollment of
Gussie Bigpond, deceased, as a citizen by blood of the Creek Nation.

The records of the Commission show that
Gussie Bigpond was listed for enrollment as a
citizen by blood of the Creek Nation October
19, 1899, and that her name is contained in
the partial list of Creek citizens by blood,
approved by the Secretary of the Interior
March 13, 1902, opposite Roll Number 3256.

By Departmental letter of March 19, 1904
(I.T.D. 2306-1904), the name of Gussie Big-
pond opposite Roll Number 3256 was stricken
from said partial list.

A motion filed February 8, 1905, by Mars
& Mars, Attorneys for Lucy Bigpond-Tom, to re-
open the matter of said enrollment was trans-
mitted to the Department.

By Departmental letter of February 28,
1905 (I.T.D. 1906-1905), said motion to re-
open the matter of said enrollment was granted.

March, 20, 1905, Johnson Bigpond and
Lucy Bigpond Tom, parents of said Gussie Big-
pond, deceased, Mars & Mars, Attorneys for
applicant, and M. L. Mott, Attorney for Creek
Nation, were notified; in accordance with
Departmental instructions this case was set
for hearing of additional evidence at its
office in Muskogee, Indian Territory, at 10:
A.M. May 4, 1905, and all parties in interest
were notified that they would be allowed to
introduce any evidence that they might desire
in said matter, tending to show the right of
the applicant to enrollment.

APPEARANCES: MARS & MARS, Attorneys for applicant.
ROBERTSON & KING, Attorneys for Smart
Jacob, represented by L. A. KEAH.
No appearance by Creek Nation.

LUCY BIGPOND TOM, being duly sworn, testified as
follows through Official Interpreter
(Euche), NOAH GREGORY:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Lucy Tom.

Bigpond., #2.

- Q Are you sometimes called Lucy Bigpond Tom? A No, I was called Lucy Bigpond when I filed.
- Q You were once the wife of Johnson Bigpond, were you not? A Yes.
- Q Have you married again? A Yes.
- Q What is the name of your man now? A Euche Tom.
- Q Are you a citizen of the Creek Nation? A Yes.
- Q What Creek Indian town do you belong to? A Euche.
- Q What is your age? A About thirty-one.
- Q What is your postoffice address? A Kellyville, I. T.
- Q Did you have a child named Gussie Bigpond? A Yes.
- Q What is the name of the father of that child? A Johnson.
- Q Is he living? A Yes.
- Q You are not living with him any more? A No.
- Q How long have you been separated from him? A I think it is over three years--more than three years.
- Q Is it five years? A No answer.
- Q Tell me as near as you can how long since you separated from Johnson Bigpond--how long since you quit living with him? A It has been a good while; I believe it is five years.
- Q I would like for you to tell me the date when you quit living with him? A I used to remember and know just when it was, but have forgotten just when it was now. I cannot recollect or give the date.
- Q Do you remember dates--years, months and days of the year--can you remember dates very well? A Yes.
- Q What year was it that you quit living with Johnson Bigpond? A It was in the Spring of the year and it was near the time the child was born that he brought me back and left me.
- Q But you cannot tell the year can you? A I remember the time of the year when the child was born.
- Q Are you married to Euche Tom? A Yes.
- Q When were you married to him? A On the 4th day of July.
- Q What year? A I believe it has been three years ago and going on four.
- Q Do you mean to say that it will be four years next fourth of July? A Yes.
- Q How long between the time you were married to Euche and when you quit living with Johnson Bigpond? A Two years past.
- Q Do you state that you had quit living with Johnson Bigpond two years before you were married to Euche Tom? A Yes, more than two years.
- Q Is your child, Gussie Bigpond, living? A No, she is dead.
- Q When did she die? A There was just a thin snow on the ground when the child died.
- Q Do you remember the year the child died in? A I think it is about three years since the child died.
- Q Do you remember the month and day in which the child died? A I do not know the white man's way of telling things but there was a thin snow on the ground.
- Q How old was Gussie when she died? A She was two years old.
- Q When was Gussie Bigpond born? A She was born on the 10th day of May.
- Q What year? A Three years ago.
- Q Do you mean the child was born the 10th day of May three years ago? A No.
- Q What year was it she was born in? A I do not know what year it was.
- Q Were you living with Johnson Bigpond when the child died? A No.
- Q How long had you been separated from him? A It was before the child was born that we separated.

Bigpond. \$3.

- Q How long before the child was born before you separated? A
About two months after we were separated the child was born.
Q And it was born in what month? A It was born the 10th of May.
Q According to that you would have separated from Johnson Bigpond
sometime the first part of March? A I guess so.
Q What was the cause of your separation from Johnson Bigpond? A

Mars & Mars objects to the question for the reason that they think it is incompetent and immaterial as to what the cause of their separation was. Objection noted.

- A He did not behave right.
Q Did you leave him or did he leave you? A He started home with me from where we were living and told me that he was going to take me home and leave me there for good.
Q You say that was two months before the child was born? A Yes.
Q At that time did you know that you were going to have this child? A Yes.
Q Did you make any record of the death of this child---did you write it down in a book or on a piece of paper or anywhere? A No.
Q Did any body do that that you know of? A No.
Q Did you buy a coffin for this child, or did anybody that you know of? A My mother.
Q What is her name? A Tah-pan-fah; she is here.
Q Where did she buy that coffin? A It was made up out of pine lumber.
Q She bought the lumber then did she? A Yes.
Q Do you know where she bought that? A I think it was at Sapulpa.
Q Do you know the name of the store or firm that she bought it from? A No.
Q Did she buy burial material, clothes etc? A Yes.
Q Tah-pan-fah bought them did she? A Yes.
Q Do you know whether she paid for them or had them charged? A She paid for them.
Q Did you have a funeral for this child? A No.
Q Did you have a burial service? A We had a death ceremony according to the custom of the Indians.
Q What was the name of the preacher or man that conducted that ceremony? A (Mr. Gregory, Kuchee Interpreter, explains: They give supper the fourth day, and friends gather and partake of that supper the next morning).

Mars & Mars objects to the explanation by Mr. Gregory. Objection noted.

- Q Can you tell me the names of any people that were there at that ceremony? A Yes.
Q Give some of them? A One is named Sallie.
Q Name the others? A Willie Littlehead.
Q Where do these people live now? A They live over there.
Q Close to Kellyville, is that what you mean? A Yes.
Q Are there any others that you know of that were present at that ceremony? A The folks at the house where I was they were there.
Q Where was Gussie Bigpond buried? A At the old place at my father's.
Q Is that near Kellyville? A Yes.
Q What is your father's name? A Tar-ka-hy.
Q The burial ground where she is buried is known as Tar-ka-hy place, then, is it? A Yes.

Bigpond, #4.

- Q Have you seen that grave—that is just recently? A Yes.
Q Is there any head-board with any writing on it over the grave?
A No, nothing of that sort.
Q Is there anything in the grave or around the grave anywhere that would help you to remember the date of the burial that you know of? A Indians generally build a little house over the grave; there is a little house over it. That is the only thing that is over it.
Q Was Johnson Bigpond present at that ceremony? A No.
Q What is the name of this child (pointing) here? A Louanna.

The records of the Commission examined and it appears that the name of Lucy Bigpond was listed for enrollment on Creek Indian Card, Field Number 1010, October 19, 1898, and her name is contained in a partial list of citizens by blood, approved by the Secretary of the Interior March 13, 1902, opposite Roll Number 3255.

The records of the Commission also show that the name of Johnson Bigpond was listed on Creek Indian Card, Field Number 1010, for enrollment October 19, 1899, and that his name is contained in the partial list of Creek citizens by blood, approved by the Secretary of the Interior March 13, 1902, opposite Roll Number 3254.

- Q That child's name (pointing) is Louanna is it? A Yes.
Q Is that your child? A Yes.
Q How old is that child? A Three years old.
Q What year, and month and day was she born? A She was born in February.
Q What year and what day? A I think it was the 5th of February.
Q What year? A I forget the year.
Q How many years ago was she born? A It is not this child's case that we are going into.

Mars & Mars, Attorneys for applicant, tells witness to answer the question.

- Q Do you know the year in which that child there was born? A I can not recollect the year.
Q You do not remember years very well---you are not very familiar with figures are you? A I have no knowledge of books; I can not put anything on the book, so I do not know.
Q Not only in the white man's way of figuring, but even in the Indian's way of figuring you can not tell very well the years can you? A No.
Q Was your child Gussie Bigpond living when Louanna was born? A No.
Q How long, as near as you can remember, had Gussie Bigpond been dead when this child Louanna was born? A I think it must have been about a year.
Q How long, as near as you can remember, between the birth--the date that Gussie was born and the time that this child was born? A I do not know that.
Q As near as you can remember? A No answer.
Q Please answer and if you do not know say so, but give some answer? A I do not know; I do not recollect.

The records of the Commission show that on March 18, 1904, Lucy Tom, mother of Louanna Tom, testified before the Commission and the following questions were asked:

Bigpond... #3.

Q Did Gussie die before Louanna was born? A Yes.
Q Is that correct? A This child was born after Gussie died.
Q That is what I said, is that correct? A Yes.
Q How long before? A Four years." Is that correct?

I guess so; that is correct.
Q Are you now sure that it was as much as two years before the birth of this child? A I think so; yes.

Q On the same date Pickson Bell testified as follows:
"Q How long had Gussie been dead when this child was born? A Four or five years Gussie died before Louanna was born."

And now you state that it was as much as two years? A I do not know.

Q On the same date Buchee Tom--is that your husband? A Yes.

Q On that date Buchee Tom stated: "Q Was Louanna born before Gussie died? A Gussie was dead when Louanna was born." How long had Gussie been dead when Louanna was born? A Gussie died two years before Louanna was born.

Q On the same date Tah-pa-fah testified as follows:
"Q How long had Gussie been dead when Louanna was born? A About two years after."

I will ask you once more when was this child here, Louanna Tom, born--as near as you can remember--give the day, month and the year? A It was born March 5th.

Q What year? A I do not know that.

Q How many years ago did you say it was? A Three years ago.

Q You stated awhile ago that Louanna was born in February, were you mistaken then? A I must have made a mistake. This case was not to have been taken up anyway, and I must have made a mistake.

Q You now state that Louanna was born March 5th three years ago do you? A Yes.

Q March 15, 1904, you testified here about the birth of Louanna Tom and the following questions and answers were given at that time: "Q When was Louanna born? A In March.

"Q What year? A I don't know the year she was born in but she is three years old."

You stated in 1904, that was a year ago this last March, that at that time Louanna was three years old--was that correct, or are you now correct in stating that the child is three years old in 1905? A The first one must be correct, because I did not come here expecting questions to be asked concerning her, and of course I got confused.

Q March 22, 1905, you testified here about this child, Louanna, and you were asked: "Q When was Louanna born? A March 3, 1901, I think." Is that correct? A I guess that is correct.

A copy of the testimony in the matter of the application for the enrollment of Louanna Tom, heretofore referred to, is made a part of the record herein.

Q I will now ask you to state, as near as you can, how long before the birth of this child Louanna was it that Gussie died? A It was a long time before Louanna was born that Gussie died.

Q Was it as much as two years? A I did not have a man for a long time before Louanna was born.

Q I have just read testimony that you gave before, in which you stated that your child, Gussie Bigpond, died four years before

Bigpond., #6.

this child (Louanna) was born, and in another place it says two years, do you now state that it was as much as two years after the death of Gussie before this child (Louanna) was born? A I think it was after two years that Gussie died before Louanna was born.

Q Did you ever get a divorce in the Court from Johnson Bigpond?

MARS & MARS, Attorneys for applicant, objects to the question for the reason that it is incompetent and immaterial. Objection noted.

STATEMENT BY COMMISSION: The Commission asks this question for the purpose of securing, if possible, a record of the date of separation between Johnson Bigpond and Lucy (Bigpond) Tom, as the witnesses' recollection in regard to the matter is very hazy.

STATEMENT BY MARS & MARS: Right here we object to the question and suggest to the witness that unless she wants to she need not answer that question. My reason is this: That there is a tendency on the part of the Commission in the examination of this witness as to the birth and death of Gussie Bigpond, the birth of Louanna Tom, and the marriage of the witness to Bucher Tom of incriminating the witness in this case.

A There was no such a thing.

CROSS-EXAMINATION BY MARS & MARS:

Before entering into the examination of the witness we want to object to the introduction of testimony in the record of the case of Louanna Tom, taken on the 23rd of November, 1903, also the record taken on the 22nd day of March, 1905, and the record taken on March 15th, 1904, for the reason that it is incompetent and not proper testimony in this case and is immaterial.

Q Lucy, when did you separate from Johnson Bigpond, and was that separation on or before the birth of Gussie Bigpond?

A It was before.

Q Do you remember the year that you and Johnson separated? A I do not know that.

Q Do you remember the year that Gussie Bigpond was born? A Yes.

Q What year was it? A She was born on the 10th of May, and it went on until the next May, and it went on until the next May, and then two years after that she died when there was a thin snow on the ground.

Q Then, to refresh your memory, I will ask you whether or not you appeared before Lefe Spear, a Notary Public, on the 30th day of November, 1904, and made an affidavit as to the birth and death of Gussie Bigpond? A Yes, I remember.

Q Do you remember what you swore to in that affidavit? A I do not know what the statement was.

Q You do not remember everything that was stated in that affidavit? A No.

Q Do you remember giving the date of the birth of Gussie Bigpond? A Yes.

Q About what date did you say that child (Gussie) was born? A I said then that it was the 10th of May.

Q What year? A I forget that.

Bigpond... #9.

- Q To refresh your memory, do you remember stating that she was born on the 10th of May, 1899? A I remember.

Mr. L. A. Kean objects to the question on the ground that it is leading the witness. Objection noted.

- Q Was that correct? A Yes.
Q How old was Gussie Bigpond at the time she died? A Two years old.
Q Do you remember, then, about the time of the year it was that she died? A I do not know the year she died but I know the Indian way of the month that she died.
Q Well, what month? A There was just a little snow on the ground.
Q Was it before or after Christmas? A Before Christmas.
Q Do you know what month Christmas comes in? A I know the Indian's way, but I do not know the white man's way.
Q Well, what is it in the Indian's way? A She died the month before that of the Christmas--- they generally called it Christmas month. That is all I know.
Q What month was that, January, March or what? A I do not know.
Q Do you know whether or not Christmas came before or after the death of Gussie Bigpond? A After the death.
Q Was Gussie Bigpond living in July 1900? A Yes.
Q Do you know whether or not Gussie Bigpond ever had an allotment? A I guess so; I don't know.
Q Did you ever make any contracts on her allotment, or any improvements? A Yes.
Q Did you make those contracts? A Yes.

Mr. L. A. Kean objects to the question for the reason that it is immaterial and irrelevant. Objection noted.

STATEMENT BY COMMISSION: With reference to Mr. Mar's question as to whether or not the applicant (Gussie Bigpond) was living in July 1900, Attorney is cautioned that he must not put the answers in the mouth of the witness by asking leading questions.

- Q Do you know one George Sawyer? A Yes.
Q How long have you known him? A I have known him two years or longer.
Q Do you know one Millie Tiger? A Yes.
Q Do you know Dickson Chicken, or Dickson Bell? A Yes.
Q Was Millie Tiger present at the birth of Gussie Bigpond and did she act as mid-wife? A No, she was not there. There was not any such persons present.
Q Who was present at the birth of Gussie Bigpond? A My mother, Teh-pan-fah, was there.
Q Who was the attending physician or mid-wife? A She was the only one.
Q Was Dickson Chicken or Dickson Bell there? A Yes.
Q Who else was present? A They were the only ones.
Q Now, where did Gussie Bigpond die? A Up there at the old man's place.
Q Where is that? A The other side of Kelleyville---West of Kelleyville.
Q About how far West? A Four miles.
Q Who was present at the death and burial of Gussie Bigpond? A My kin-folks such as Sallie and Willie Littlehead.
Q Was Dickson Bell, or Dickson Chicken as he is sometimes called,

Bigpond.... #8.

present at the burial of Gussie Bigpond? A They were the ones that buried her.

Q Do you ever remember seeing George Sawyer at Kellyville and, if so, when? A It was along in the month of the Fourth of July.

Q Did you have Gussie Bigpond there with you? A Yes.

Q Do you remember what year that was? A That month.

Q Was it the same year that she died or what? A The year before she died.

Q Did Gussie Bigpond die the same year that you saw George Sawyer in Kelleyville? A Yes.

STATEMENT BY THE COMMISSION: I want to state to the Attorney for the applicant that the witness just answered that question one way, and the repetition of the question in the form that it was put seems to be leading the witness and will not be permitted any more.

Q Did you ever receive any notice from the Daves Commission or from any other person asking you to give testimony as to the birth and death of Gussie Bigpond? A I never received any notice.

Q Did you, or did you not, receive notice from the Daves Commission that the name of Gussie Bigpond was stricken from the rolls, and that her allotment was cancelled? A No.

EXAMINATION BY L. A. KRAH:

Q You stated awhile ago that your mother and Dickson Bell (or Chicken) were present at the birth of Gussie Bigpond, did you not? A Yes.

Q I will ask you now if you did not, in the year 1902, make an affidavit before Mr. Mars, at Sapulpa, in which you stated that there was no one present at Gussie Bigpond's birth? A I do not remember-- I do not know.

Attorney for Petitioner objects to the question and asks that the question and the answer be stricken from the record, because there is nothing in the record showing that Lucy Bigpond Tom ever appeared before Mr. Mars, at Sapulpa, and made an affidavit concerning the birth and death of Gussie Bigpond. Objection noted.

Q I will ask you now if you did, at any time, go before Mr. Mars, at Sapulpa, and make an affidavit concerning the birth and death of Gussie Bigpond? A I do not remember.

EXAMINATION BY THE COMMISSION:

Q This affidavit that Mr. Mars asked you about, which you made out before Lufe Spear concerning the birth and death of Gussie Bigpond-- do you remember making that affidavit? A Yes.

Q Did you sign your name to that affidavit? A Yes.

Bigpond... #9.

- Q You signed it yourself did you? A Yes.
Q Did you sign that yourself or did some else write it for you and you signed it by mark-- did you touch the pen? A I can not write my name-- I do not know.
Q Then, you signed it mark did you not? A Yes.
Q Do you remember who witnessed that mark? A No one.
Q Who was present when you made that affidavit? A (Pointing to S. W. Brown) Here he sits.
Q Was there no one else present? A No.
Q Was there a Notary Public present? A No.
Q Do you remember what was in that affidavit which you signed by mark-- did you know what you were swearing to before that Notary Public? A----

Mr. Mars, Attorney for applicant, objects to the question, because the record shows that the witness has already answered, and further that it is not a proper re-direct examination. Objection noted.

A I knew the date that I stated.

- Q Was that affidavit read over to you before you signed it? A Yes.
Q Who read it to you? A (Pointing to Mr. Mars) Here he sits.
Q He was present, was he, when this was made? A Yes.
Q Who else was present? A (Pointing to Mr. S. W. Brown) There he sits.
Q Who else? A That was all.
Q Just those two? A Yes.
Q Who was the Notary Public? A (Pointing to Mr. Mars) It was this man.
Q Was he the man who swore you to that affidavit? A Yes.
Q Where was this affidavit made out-- what place? A Sapulpa.
Q In whose office was it made out? A (Pointing to Mr. Mars) This man's office.
Q Do you know a man named John Wisdom? A I do not know.
Q You stated that nobody else was present when you made out this affidavit, and signed it by mark, except Mr. Mars and Mr. Brown, is that what you said? A Yes.
Q Awhile ago Mr. Mars asked you if this child was living in July 1900 and you said "yes"-- do you know that for a fact? A Yes.
Q How do you fix that date in your mind? A - - -
Q Is there anything that helps you to remember that date? A Too much talk for me; I do not know.
Q Do you know what year this is? A I do not know that-- I do not know the white man's way of telling things-- I do not know.
Q How did you know the white man's 1900 awhile ago? A The interpreter told me.
Q That is how you know that Gussie was living in 1900, then-- the interpreter told you-- is that how you remember? A No, I know the Indian's way of saying anything.
Q Either by the Indian's way, by the white man's way, or any other way-- how long ago was 1900? A----
Q You do not know what year 1900 was, do you? A----
Q Do you remember what date you gave to the Notary Public at the time you made this affidavit-- did you give him the dates of the birth and death of Gussie Bigpond-- did you tell him

Bigpond.. #10.

what they were? A I said it in Euchee and I suppose he put it down in the white man's way.

Q Are you satisfied that you told him those dates yourself? A--

Attorney for applicant, Mr. Mars, objects to the question for the reason that this matter has been gone over a half dozen times? Objection noted.

A Of course it was in the year that the land office opened and I talked until I took the fever.

Q After you gave the dates of the birth and death of Gussie Bigpond to that Notary Public, and as you supposed that it was put down in English, was it then read to you in Euchee before you signed it? A Yes.

Q Did you understand the contents of that affidavit which you signed-- did you understand what you were swearing to? I did know but I have forgotten-- us Eucheas have not got much sense-- we forget everything.

Q I am not asking you now as to the date of the birth and death of the child, but I am asking you if you knew at the time you signed the affidavit what you were swearing to? A----

Mr. Mars, Attorney for applicant, objects to the question because the question has been answered. Objection noted.

Q When you made out this affidavit, heretofore referred to, about the birth and death of your child, Gussie Bigpond, are you positive that there was nobody else present but Mr. Mars and Mr. Brown? A Yes.

Mr. Mars objects to the question because, he states that it has been answered. Objection noted.

Q Are you positive that your mother, tah-pa-fah, was present and acted as mid-wife when your child, Gussie Bigpond, was born? A Yes.

TAH-PAH-PAH, being duly sworn, testified as follows:
through Mr. Gregory:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Tah-pan-fah.

Q How old are you? A I do not know how old I am.

(Witness appears to be at least sixty years of age).

Q What is your postoffice address? A Kelleyville, I. T.

Q Are you a citizen of the Creek Nation? A Yes.

Q What town do you belong to? A Euchee.

Q Do you know Lucy Tom, or Lucy Bigpond? A I know. It is my daughter.

Q Do you know Johnson Bigpond? A Yes.

Bigpond.. #11.

- Q Is he your daughter's husband? A He used to be her husband.
- Q They are separated are they? A Yes.
- Q Do you know of any cause for that separation? A I do not know.
- Q Do you know whether she left him or whether he left her? A He brought her home and went away.
- Q You mean to state that from the time of the separation she went to live with you? A He brought her home and so she lived with me.
- Q How long did she live with you then? A I do not know that, but I think it must have been a year.
- Q Then did she marry somebody else? A Yes.
- Q Who was that she married? A They call him Euche Tom.
- Q Is she living with him now? A Yes.
- Q How long after she quit living with Johnson Bigpond until she married Euche Tom, do you know? A I do not know, but I think it must have been about two years.
- Q Did you know a child of Lucy and Johnson Bigpond by the name of Gussie Bigpond? A Yes.
- Q Is that child living? A No, she is dead.
- Q When was Gussie Bigpond born? A She was born on the 10th day of May.
- Q What year? A I do not know what year.
- Q How many years ago, can you tell? A I do not know-- it might be three years and it might be four years.
- Q How do you know it was May 10th, what makes you remember that? A I know the month but do not know the year.
- Q But I asked you how do you remember that it was May 10th-- is there any circumstance that fixes that date in your mind and makes it easy for you to remember? A I just know that and that is all.
- Q Was you present when Gussie Bigpond was born? A She was at my house when the child was born.
- Q Was you there on the spot when the child was born? A Yes.
- Q Who else was there? A He is here-- they call him Chicken.
- Q Was there anybody else there? A That was all. Lucy's father was there too.
- Q What is his name? A Tar-ka-ny
- Q Is that all? A That is all.
- Q And Gussie Bigpond was born in your house? A Yes.
- Q Do you know a child of your daughter, Lucy, here by the name of Louanna Tom? A Yes.
- Q When was Louanna born? A I do not know-- I was not there when Louanna was born.
- Q Did you see Louanna shortly after she was born? A Yes.
- Q Was Louanna born in your house? A No.
- Q About how far away from your house was she born? A I think it must have been about two miles from there.
- Q Was Gussie Bigpond living when Louanna Tom was born, do you know? A No.
- Q How long had Gussie Bigpond been dead before Louanna Tom was born? A I think it must have been about three years.
- Q You think that Gussie Bigpond died about three years before Louanna was born do you? A It might have been four years.
- Q Are you satisfied that it was as much as two years before the birth of Louanna that Gussie died? A Yes.
- Q You are positive of that are you? A Yes.

Bigpond... #12.

- Q Do you know when Euche Tom and Lucy were married-- can you give the date? A I know it was the time the white people gathered together, but I do not know what they call it.

EXAMINATION BY MR. MARS:

- Q You are the mother of Lucy (Bigpond) Tom are you? A Yes.
Q Did Lucy and Johnson Bigpond separate before or after the death of Gussie Bigpond? A It was after.
Q The death was after that separation, eh? A Yes.
Q Did they separate before Gussie was born? A Yes, it was after they separated.
Q About how long before Gussie was born? A About a month.
Q Where did Lucy live after she and Johnson Bigpond separated? A They was living with me.
Q How old was Gussie Bigpond at the time she died? A I think she must have been two years old.
Q Do you remember the date of her death? A It was in the Winter when there was a thin snow on the ground that she died.
Q Do you know when Christmas comes-- in what month? I do not know, but it was in the month before the month of Christmas that Gussie Bigpond died.
Q You say it was in the month before the month of Christmas that Gussie Bigpond died? A Yes.
Q Did Lucy and Euche Tom marry before or after Gussie Bigpond died? A It was after Gussie died.
Q About how long after Gussie died before Lucy and Euche Tom married? A I think it must have been a year after.
Q Do you know Millie Tiger? A I know her but I have never seen her.
Q Was she present at the birth of Gussie Bigpond? A No.
Q Were you present when Gussie Bigpond was born? A Yes.
Q Who else was present at the time that Gussie Bigpond was born? A There was not anybody else.
Q Do you know Dickson Chicken or Dickson Brown? A Yes.
Q Was he, or was he not, present when Gussie Bigpond was born? A He got there shortly after she was born.
Q Were you present when Gussie Bigpond died? A Yes.
Q Where did she die? A At my house.
Q Who else was present when she died? A Just us home folks.
Q What do you mean by saying "just us home folks"? A Chicken and my husband-- he is dead now. The children were present who are at home now.
Q You stated that Euche Tom was married to Lucy about a year after Gussie died, did you not? A Yes.
Q How old is Louanna Tom? A About four years old.
Q Were you present when Louanna Tom was born? A No.
Q Then you do not know her exact age do you? A No, I was not there; I said I was not there.
Q Then you do not know, of your own knowledge, the exact age of Louanna Tom do you? A I was not there when she was born.

EXAMINATION BY THE COMMISSION:

- Q How long after Louanna was born until you first saw her? A

Bigpond... \$13.

They raised two crops before they came back over there.

- Q Did you hear of the birth of Louanna Tom within a few days or weeks after she was born? A It might have been a month-- I was not there when she was born.

EXAMINATION BY MR. MARE:

- Q Do you remember when the Land Office was opened for filing?
A I do not know.
- Q Do you remember when the Dawes Commission met at Okmulgee for the purpose of making allotments? A No.
- Q Did Lucy ever appear at Okmulgee before the Commission that you know? A No.
- Q Do you remember when you took your allotment? A Yes, I remember that.
- Q When was that? A I do not remember when it was.
- Q Was Gussie living or dead at that time? A She was not there-- she was dead.
- Q About how many years has it been since you took your allotment? A I do not know. I do not keep account of the years.
- Q Do you remember the date that Gussie Bigpond died? A I remember that much. She died the 10th of May.
- Q She died the 10th of May? A Oh, I thought you meant the birth. She died when there was just a thin snow on the ground. It was in the Winter time when she died.
- Q Did you appear before Lafe Speer, a Notary Public, on the 30th day of December, 1904, last year, and make out an affidavit concerning the birth and death of Gussie Bigpond? A Yes.
- Q Was that affidavit explained to you by the interpreter before you signed it and, if so, by whom? A (Pointing to Mr. Brown) This man.
- Q You say that it was read and explained to you by Mr. Brown? A Yes.
- Q Did you know the contents in that affidavit before you signed it? A Yes.
- Q Did you know at the time that you made that affidavit the contents of it? A (Mr. Gregory states that witness asks him if he means the death affidavit).
- Q The birth and death affidavit? A Yes.
- Q Then were the statements, and are the statements in that affidavit true? A Yes.
- Q Do you remember the date that you gave for the birth of Gussie Bigpond in that affidavit? A No, I have not forgotten them.
- Q When did you say that Gussie Bigpond was born? A She was born on the 10th day of May.
- Q What year? A I do not know what year. That is all I know.
- Q For the purpose of refreshing your memory, I will ask you whether or not you stated in that affidavit made before Lafe Speer on the 10th day of December, 1904, that Gussie Bigpond was born on the 10th day of May, 1899? A---

Mr. Kean objects to the question for the reason that it is leading the witness. The witness has already stated that she does not know the year.

Bigpond.. #14.

- A I have stated all I know. I do not know anything more. I guess I would know it but I do not know the white man's way of saying anything.
- Q When did Gussie Bigpond die? A I said she died just when there was a little snow on the ground.
- Q Do you know the year? A No, I do not know that. I do not know the month or the year, but I know it was in the month before the month of Christmas.
- Q Do you know whether or not the Euchees call Christmas Big Sunday? A I do not know what they call the month before the Negroes' Big Sunday.
- Q Is Big Sunday Christmas with the Euchees? A May be so. I do not know how to talk English, and I do not know what the white people call it.
- Q Did you mean to state in your examination awhile ago that Gussie Bigpond had been dead about three years when Louanna Tom was born? A It might have been four years.
- Q Might it not have been two years? A I guess it was after two years.
- Q How old is Louanna Tom? A She might be four years old and she might be three.
- Q Were you present at Kelleyville one time with Lucy Tom and Gussie Bigpond and met George Sawyer? A No, I do not know. I do not know him.
- Q Do you know George Sawyer? A No, I do not know him.
- Q Was Johnson Bigpond present at the death of Gussie Bigpond? A No.
- Q Was Johnson Bigpond present at the birth of Gussie Bigpond? A No.
- Q Did Lucy Tom live with you at the time she was married to Euchee Tom? A Yes. This man here (pointing to Neah Gregory) married them.

Continued until May 5, 1906, for further examination.

TAN-PAN-PAH, continues, as follows:

- Q Do you remember the date of the marriage of Lucy Tom and Euchee Tom? A Yes, I said it was the Fourth of July, and I can not say anything more than what I have said.
- Q But you would not be positive as to the year of their marriage? A No.

EXAMINATION BY THE COMMISSION:

- Q How long after Euchee Tom and Lucy Tom were married was it before Louanna Tom was born? A A year after.
- Q How long before Lucy was married to Euchee Tom did Gussie Bigpond die? A It must have been two years.
- Q Are you sure that Gussie Bigpond died as much as two years before Lucy was married to Euchee Tom? A I think it was.

JOHNSON BIGPOND, being duly sworn, testified as follows through Neah Gregory, Euchee Interpreter:

Bigpond... #15.

- Q What is your name? A Johnson Bigpond.
- Q How old are you? A Thirty-two years old.
- Q What is your postoffice address? A Depew, I. T.
- Q Are you the father of Gussie Bigpond, deceased? A Yes.
- Q Do you remember when Gussie Bigpond was born? A I do not know but I think it was in the year that the Land Office opened, sometime in May 10th or the 15th of May.
- Q Are you a citizen of the Creek Nation? A Yes.
- Q Are you a member of Euchee town? A Yes.
- Q Who is the mother of Gussie Bigpond, deceased? A (pointing to Lucy Bigpond Tom) Lucy.
- Q Is she living? A Yes.
- Q Is she your wife? A No, not now.
- Q You separated from her then, did you? A Yes.
- Q Did she marry somebody else? A Yes.
- Q When were you married to Lucy? A I do not know. I have not got the figures to tell you when it was that I was married.
- Q Do you know who it was that married you? A I had Saco Johnny to talk for me and he said that they said they were willing for us to marry, so I went and married.
- Q I asked you that for I want to find out, if possible, if there is any record or anything that we could get the date closer than you could give it? A There is no such a thing as a record.
- Q Were you present when Gussie Bigpond was born? A No.
- Q Do you think that she was born in the year that the Land Office opened? A I do not only think so but I know it was that year.
- Q What year was Gussie Bigpond born in? A May, the month that mulberries get ripe.
- Q Do you know what day it was in May? A I think it was the 15th of May.
- Q How do you fix that date in your mind if you were not present at the birth of the child? A I went and asked when she was born and saw the baby before I filed on land for it.
- Q Do you remember how long it was after the time Gussie was born until you went and filed for her? A It was in the time that the Creek Council was in session that I went and filed for her.
- Q That was the same year in which she was born was it? A Yes.
- Q Was Gussie Bigpond living at that time? A Yes.
- Q How long after that before she died? A It was a year after and may be twenty-four days after.
- Q Do you mean that it was a year and twenty-four days after you came in to file for Gussie Bigpond that she died? A No.
- Q First you said it was a year after and then you said it may be twenty-four days after-- do you mean that it was a year and twenty-four days, or do you mean that it was just twenty-four days after you filed that the child died? A Twenty-four days.
- Q Do you mean to state that Gussie died twenty-four days after you came in to file for her? A Yes.
- Q Do you remember making out an affidavit about the birth of Gussie Bigpond at the time you came in to file? A Yes.
- Q Do you know Millie Tiger? A Yes, she is my sister.
- Q Do you know if Millie Tiger was present when Gussie Bigpond was born? A No.

Bigpond.. #10.

- Q Do you mean that she was not present or that you do not know whether she was present or not? A I mean she was not present.
- Q Were you living with your wife at the time Gussie Bigpond died? A No.
- Q How long had you been separated from her when Gussie Bigpond died? A One month after.
- Q Were you living with Lucy when Gussie Bigpond was born? A Yes.
- Q Are you positive that you were living together as husband and wife when Gussie Bigpond was born? A Yes, we had not separated when the child was born.
- Q About how many months did you continue to live with Lucy while Gussie was living? A Nine months.
- Q I will ask you again, how long after you separated from Lucy was it before Gussie Bigpond died? A Three months and twenty-four days.
- Q Do you remember what time of the year it was when you separated from Lucy? A No, I do not know that.
- Q Do you know whether it was in the Spring, or the Summer, or in the Winter or in the Fall? A It was in the Spring of the year but I can not say what month it was.
- Q I am asking you now what time of the year it was when you separated from Lucy? A It was in the Spring of the year but I do not know what month it was.
- Q How near did you live to Lucy when Gussie Bigpond died? A I can not say how many miles, but she lived down here on Polecat and I lived up near the line-- Oklahoma line.
- Q How soon after Gussie Bigpond died did you hear about her death? A Four days after.
- Q Do you remember what time of the year it was that you heard about her death? A I do not know the date of the month, and I do not know the date of the year.
- Q Do you know whether it was in the Spring, Summer, Winter or Fall? A It was in the Winter time; I know that.
- Q Do you know how old Gussie Bigpond was at the time she died? A I said that she was a year old and twenty-four days.
- Q Do you remember going before a Notary Public in 1904 and making out an affidavit about the death of Gussie Bigpond? A Yes.
- Q Do you remember the date that you gave in that affidavit for the date of her death? A No, I did not say any such things, but they signed the affidavit and the others that way.
- Q Who signed the others that way? A I do not know the persons.
- Q Did you sign this affidavit without knowing what was in it? A I do not know the English and did not know what was in it.
- Q When you went before the Notary Public at that time did you tell them any date to put in the affidavit? A No, I guess he must have put it in with his own account.
- Q How did you happen to go before the Notary Public at that time-- who caused you to go before him? A They sent for me to come and I went and they did not tell me what was about the paper but they told me to mark it and so I did.
- Q Who was it that sent for you to come? A Yukon.
- Q Do you mean the man that is sometimes called John Tiger? A A He is the one that they call John Tiger and his name is Yukon.
- Q Do you remember of writing a letter to the Commission February 3, 1904, asking about your child, Gussie Bigpond? A I never

Bigpond.. #17.

did write to them.

- Q How do you remember that Gussie Bigpond was just a year and twenty-four days old when she died? A It seems to me that she would be about that old in my mind.
- Q Well, a year and twenty-four days-- particularly that twenty-four days is pretty close figuring-- can you tell me what you base that on? A I have done answered the question.
- Q Did you, at the time that Gussie Bigpond died, remember the exact date that she was born? A I think it must have been about the 15th of May, the year that the Land Office opened.
- Q What day of the month and year was just one year and twenty-four days after that? A I told you that I did not know the date of the month and the year and I can not tell you.
- Q I am going to have Mr. Gregory translate into Buchee a letter which seems to have been written by you to the Commission. (Mr. Gregory translates letter to witness) Do you remember anything about that letter? A I never did write to them last year about it.

The letter, above referred to, is made a part of the record herein.

- Q Did you have any one write a letter of this character for you to the Commission? A No.
- Q Do you go to the postoffice after your mail? A Yes.
- Q Did you receive, in the early part of February, 1904, a letter from the Commission telling you that they wanted information relative to the death of Gussie Bigpond, and enclosing a blank form of death affidavit? A I never did receive it. The only thing that I ever received was a blank requesting me to make selection of the 40 A. which was given to me.
- Q When you went to file on your land, did you come before the Commission here or did you go before it at Okmulgee? A At Okmulgee.
- Q How long after you filed on your land before Gussie Bigpond died? A I said one year and twenty-four days after.
- Q I am not asking you how old Gussie Bigpond was when she died but how long after you filed on your land before she died? A I said nine months.
- Q How old was Gussie Bigpond at the time you filed? A I can not recollect the number of months and date as I told you.
- Q Do you know how old Gussie Bigpond was at the time you filed? A I have already told you.
- Q Well, tell me again? A I said that she was born on about the 15th of May and in the Fall of the same year I went and filed on land.
- Q How long after the time you filed was it before Gussie died? A I said from that on it was a year and twenty-four days after she died.
- Q How old was Gussie Bigpond when she died? A I have just said that she was one year and twenty-four days old.
- Q Now listen. You say that Gussie Bigpond was born in May, the year the Land office opened; that you filed in October of the same year, and then you say that Gussie was a year and twenty-four days old when she died, and then you also say that it was a year and twenty-four days from the time you filed until she died, now how do you account for that difference between October and a year and twenty-four days from the time

Bigpond.. #18.

you filed? A I answered the question just one year and twenty-four days but you got it mixed up.

Q If I have it mixed up I want you to straighten it out-- I will ask you over-- How old was Gussie Bigpond when she died?

A I told you one year and twenty-four days.

Q Now remember that. Gussie Bigpond was not born the day you filed was she? A No.

Q How long after you filed was it that Gussie Bigpond died? A I said it was one year and twenty-four days and I can not say anything more.

Q Do you work on a farm? A Yes, of course I work; I have to work to live.

Q Do you raise any corn? A Yes.

Q What kind of work were you doing in the corn field at the time that Gussie died? A I was not doing anything. I was at Sapulpa. I was raising cotton-- I was picking cotton - I was not doing anything.

Q Do you know John M. Weeks? A No.

Q Do you know Garfield Buell? A I do not know any of them/

Q Do you know R. L. Cummings? A No.

Q Do you know John Tiger? A I know him.

Q Did you make a record about the birth and death of Gussie Bigpond? A No.

Q Do you know Bob Cummings? A Yes.

Q Was he with you at the time that you made out this affidavit about the death of Gussie Bigpond? A No, it was just me and Yukon.

Q Who did you go before to make out that affidavit? A I do not know the man. I told you I did not know the man.

Q Did they read this affidavit over to you before you made your mark to it? A No, they did not read it; they just told me to mark it, and it was just like something that you did not want a person to know what was in it.

Q Who told you that? A Bob Cummings and John Tiger.

Q Did John Tiger tell you that this affidavit was all right? A He said it was, but I found out afterwards that he told me a story.

Q Is John Tiger related to you or your wife? A He is no kin folks-- he married my sister.

Q Did John Tiger know when Gussie Bigpond died? A You can ask him; he will tell you.

Q Is he here now? A No.

Q Do you know whether he was present when Gussie died or not? A I do not know.

Q Do you know John Bigpond? A Yes, I know him. He is my father.

Q Was he with you at the time you made out this affidavit about the death of Gussie Bigpond? A He was there and they told him to raise his hand just the same as they did me. It is all the same thing.

Q Do you know if any one else has taken the land that was formerly allotted to Gussie Bigpond? A No, I do not know. I filed on it myself and that is all I know.

The records of the Commission show that a citizenship certificate was issued to Johnson Bigpond and Gussie Bigpond and Lucy Bigpond on October 19, 1899.

Bigpond.. #19.

- Q Is John Tiger a friend of yours? A Yes. He has not done me any harm.
- Q Is Bob Cummings a friend of yours? A I know him that is all.
- Q Did you at any time talk with John Tiger about the date of the death of Gussie Bigpond? A I do not tell anybody anything.
- Q Did you tell the Commission in any way that you had quit living with Lucy Bigpond? A No.
- Q Do you now state positively that Gussie Bigpond was one year and twenty-four days old when she died? A Yes.
- Q I will ask you again-- how long-- or when did you come to file for Gussie Bigpond? A I told you that it was in the month that the Creek Council met.
- Q Was that in the Winter time? A That was in the Fall.
- Q And you stated, I believe, that it was in the Fall of the same year that she died? A Yes.
- Q I will ask you again-- how long after you came to file for Gussie before she died? A I told you from the time she was born until the Council met, but I do not know the books and if I knew the books I could say just as much as they can.
- Q How long from the time you came in to file-- from the time the Council met-- until she died? A She was a year and twenty-four days old when I filed for her.
- Q Well, how long did she live after that? A I can not answer any thing more. You all ask me the same questions over and over.
- Q You have never answered that question yet?

Mr. Mars---, Attorney for applicant,
tells witness to answer the question.

- A I do not know the dates of the month and I said that I could not answer that.
- Q You have stated that Gussie Bigpond lived one year and twenty-four days and you have also stated that she was one year and twenty-four old when you came in to file for her. Now we want to know if you mean to say that the child died the day you came in to file for it? A---
- Q The Commission does not ask you now the year, month and day on which the child died-- we do not ask for any particular date-- but we ask you how long after you came in to file for the child in the Fall until it died-- about how many days, weeks or months was it? A I can not say about how long I think it was, because they told me not to tell anything but the truth yesterday, and I have to know what I tell.
- Q You would not be stretching the truth any if you tell as near as you can remember the time it lived after you went over there to file at Okmulgee? A---
- Q Do you remember coming up here to Muskogee in February, 1903, late in the Winter and giving testimony about Gussie Bigpond, and having certain lands reserved for her? A I never did appear before the Daves Commission and tell them to reserve land for me.
- Q Do you know Daniel Bigpond? A I know him.

A copy of the testimony taken before the
Creek Land Office February 12, 1903, is made
a part of the record herein.

- Q Do you remember coming up before the Daves Commission at

Bigpond.. #20.

Muskogee here in February, 1903, and giving testimony? A I give the number to the white man that we rented our land to. I gave him the number to file on.

Q Do you remember that a Railway was built across the land that had been allotted to Gussie Bigpond and you came up here to the Commission to get more land to make up for what the railroad had taken away? A Yes; I came down but that white man that was with us said that he could do that without us so I gave him the number and we went home, so he filed on it and they sent us the number. They came to Mounds and Daniel Bigpond had the certificate and gave it back to me.

Q And you do not remember coming up here and giving testimony do you? A No. I just left it with that white man.

Q In your testimony, which was taken here at that time, it was stated that Gussie Bigpond died in the Spring, is that correct? A I never told him. I just gave him the number; he just asked me how much of the land was taken by that railroad and I told him that I did not know; they ought to know. I just gave them the number and they said that they could finish without me.

Q Was that man here at the Commission or was he a man on the outside? A He was in the other room; they said he was one of the Commissioners.

EXAMINATION BY MR. MARS:

Q Johnson, are you a farmer? A Yes, I have to farm.

Q Are you living with your father? A Yes.

Q How long have you lived with your father, Johnson? A I can not say how long.

Q Have you, or have you not, lived with your father since you and Lucy separated? A No.

Q You have been there the bigger part of your time have you not? A Yes.

Q Were you present when Gussie Bigpond was born? A No.

Q Where was Lucy at the time Gussie Bigpond was born? A I think at her mother's out on Polecat.

Q Did you take her there? A Yes.

Q How long was it before Gussie was born that you took Lucy up to her mother's house? A I do not know how long it was.

Q Well, about how long? A I think it must have been about two months.

Q Do you know when Gussie Bigpond was born? A Yes, I said I knew.

Q Well, when was Gussie born? A I think it was about the 15th of May.

Q Do you know the year? A I can not say what year; I told you I could not say what year.

Q Was it, or was it not, the year that the Land Office opened?

A It was the year the Land Office opened.

Q Did you file for Gussie? A Yes.

Q Where at? A At Okmulgee.

Bigpond.. #21.

- Q Was Gussie Bigpond living when you filed for her? A Yes.
- Q Did you ever visit Gussie and her mother after you left her up there until you filed down at Okmulgee for her? A I was there; I went to see her.
- Q Did you talk to Lucy about filing for Gussie? A I told her and she said that I could do that-- she said if you think so you can do it; you can file for her.
- Q Did you file for Lucy? A Yes.
- Q At the same time? A Yes, the same time.
- Q Was Lucy your wife at the time you filed for them? A Yes.
- Q Did you visit them after you filed? A Yes, I went there. I have been there and I bought some clothes for the baby.
- Q How often did you visit them after you filed for them at Okmulgee? A I do not know how often but it used to be a good long while.
- Q Did you go there ever few days, weeks, months or what? A A long time.
- Q How long after you went down to Okmulgee and filed for Lucy and Gussie until you separated as man and wife? A I do not know that part of it.
- Q You do not know how long after you went down to Okmulgee and filed for Lucy and Gussie until you separated? A No.
- Q How long after you filed for Gussie Bigpond at Okmulgee until she died? A I told you it was one year and twenty-four days.
- Q Then, one year and twenty-four days is correct is it? A Yes.
- Q Did you not mean to state awhile ago that it was a year and twenty-four days after she was born until she died? A No, I did not say that; I told you that it was from the filing.

EXAMINATION BY THE COMMISSION:

- Q How old was Gussie Bigpond when she died? A I told you she was one year and twenty-four days.

EXAMINATION BY MR. MARS:

- Q Did you mean to state, Johnson, that Gussie Bigpond was twenty-four days old when she died? A I said one year and twenty-four days old.
- Q You remember when you filed at Okmulgee do you not? A Yes.
- Q Did you see Gussie Bigpond after you filed down there? A Yes.
- Q How often did you see her? A About a week apart.

EXAMINATION BY THE COMMISSION:

- Q You say that you saw Gussie Bigpond a week after you filed at Okmulgee? A Yes.
- Q How old was she when you saw her a week after you filed at Okmulgee? A I told you that I could not say that; I do not

Bigpond.. #22.

not know. I did not think anything like this would come up and I did not keep account.

- Q How long after you filed until you and Lucy separated? A I told you that I could not say that for I do not know the year or the day or the month.

EXAMINATION BY MR. MARS:

- Q Were you up at Lucy's mother's home a year after you filed for them at Okmulgee? A No.
- Q Were you there six months after you filed for them at Okmulgee? A I can not say; I do not the the month or the number of the days.
- Q What time of the year was it that Gussie Bigpond died? A In the Fall when the leaves are yellow.
- Q Was that the same Fall that you filed? A A Year after.
- Q Did you ever receive any letter from the Commission to give testimony as to the death of Gussie Bigpond? A No, I said that I had not received any.
- Q You stated, Johnson, did you not, that you went up before John M. Weeks, a Notary Public at Sapulpa, on the 18th day of March, 1904, and made an affidavit about Gussie Bigpond? A That is what I do not know anything about. I was there and they told me to mark it. They did not tell me what was in it; they told me to mark it and I marked it.
- Q Do you read, write or speak the English language, Johnson? A No, I do not know anything; I can not write.
- Q Was that affidavit read, or interpreted and explained to you before you signed it? A No.
- Q Do you know J. M. or John M. Weeks, a Notary Public? A No.
- Q Did he talk to you in the Creek or Buchee language the day you made out that affidavit? A No.
- Q Did any one explain that affidavit that day in either the Creek or the Buchee language before you signed your mark to it? A They just told me-- some Buchee told me to sign it and I signed it.
- Q What Buchee told you to sign it? A Yukon.
- Q Yukon-- Do you mean John Tiger? A Yes John Tiger-- that is Yukon.
- Q Did you know for what purpose you was taken up into Weeks' office that day? A He did not tell me and I do not know.
- Q Who took you up there? A Yukon.
- Q Do you mean John Tiger? A Yes, John Tiger-- that is Yukon. I have told you that is Yukon.
- Q Was Bob Cummings there? A He was already in the room when we got there.
- Q Did he talk to you about (pointing to paper) signing this paper? A No.
- Q Was there anything said to you about when Gussie Bigpond was born and when she died, or whether she was living or not when you filed for her? A No.
- Q Did you ever rent any land to Bob Cummings? A I did rent him land but he never did do anything on it.
- Q Do you know George Sawyer? A Yes.

Bigpond.. #23.

- Q Did you ever rent him any land? A No.
- Q Do you know whether George Sawyer ever had possession of any of Gussie Bigpond's land or not? A I do not know.
- Q Do you know whether Lucy Tom ever rented George Sawyer any land or not? A I have heard that she rented to him; that is all.
- Q Do you remember that eighty acres of land that was filed for Gussie Bigpond near Bixby? A It is not near Bixby; it is out on the prairie.
- Q It is close to your allotment is it not? A Yes.
- Q Is it improved? A There are houses on it and a stable and a well.
- Q Is there any fencing? A Yes.
- Q Do you know who made those improvements? A I do not know who.
- Q Now, Johnsen, is it not a fact that George Sawyer made those improvements down there? A I do not know-- he might have made them but I did not see him.
- Q Is it not a fact that George Sawyer gave you the number of the land at the time you filed at Okmulgee? A--

Mr. Kean objects to the question on the ground that it is leading the witness.
Objection Noted.

BY COMMISSION: What do you propose to show Mr. Mars? A I propose to show that this man John Tiger and Bigpond here, at the time they took these two affidavits before Weeks, had a purpose, and that their purpose was to secure the land of Gussie Bigpond.

Q What has George Sawyer's improvements to do with it? A It shows that they had and object in view and that object was to curlycous this child, Gussie Bigpond, out of her land.

- Q I will ask you whether or not George Sawyer gave you any number at the time you went to Okmulgee to file for yourself, Lucy, and Gussie Bigpond? A Yes, he gave me the number, I think.
- Q Did you ever rent your allotment to George Sawyer? A No.
- Q Did Bob Cummings ever say anything to you about renting Gussie's allotment? A He told me to rent to him but somebody else had already rented.
- Q Do you know whether or not Bob Cummings tried to get possession of your land, Lucy's land and Gussie Bigpond's land after it had been rented to somebody else? A Yes, he tried to and quit; he found that he could not get it.
- Q Was that about the time that he got you up there and get you to sign this paper before a Notary Public? A No, he did not say anything like that to me at that time.
- Q Was it before or after that time that he tried to get the land? A It was before.
- Q About how long before? A I do not know.
- Q Did John Tiger ever talk to you about renting any of that land down there-- yours, Lucy's and Gussie's? A No, he just said that it had already been rented and no use to rent to

Bigpond... #24.

anybody else.

- Q Did John Tiger or Bob Cummings ever try to rent that land from you? A No, he told me that George Sawyer got it and he was to try to do something with it and just let it alone.
- Q Did John Tiger ever talk to you about Bob Cummings? A No.
- Q Do you remember coming here before the Commission in 1903 and trying to make a selection of land for Gussie Bigpond's allotment where some of it had been taken by the Railroad? A I do not know anything about the land. J. C. Wilkerson, the man I rented my place to, told me about it and then I came down. He is the one that I meant that said that he could finish without me.

BY THE COMMISSION:

- Q Do you know whether Wilkerson was working for the Dawes Commission at the time you came down here to select Gussie's allotment? A I guess so-- I do not know. He did not tell me he was but he was there in the office and said that he could finish without me and I could go home, and then he afterwards sent me the number.
- Q Is this the same man that afterwards rented your land? A Yes, the same man. This is the man (Pointing to Mr. Mars) that wrote the contract.

BY MR. MARS:

- Q What was the cause of you and Lucy separating, Johnson? A The mother did not like me because I went and filed on land for them, so I quit them on that account.
- Q Was that Lucy's mother? A No, it was Lucy's father. I said old man instead of old lady.
- Q Johnson, did Lucy's mother and father belong to the Snake crowd at that time, and was that the reason that they did not like you because you filed? A It might have been, but they did not tell me whether they were or not.

BY THE COMMISSION:

- Q Do you know John Bigpond? A Yes.
- Q Was he with you when you went before John M. Weeks, a Notary Public, and made out an affidavit about the death of Gussie Bigpond? A No, he was not there. They went and got him afterwards and got him to sign it.
- Q Were you there when John Bigpond went and signed it? A Yes.
- Q Do you know Daniel Bigpond? A Yes.
- Q Is he related to you? A Yes, he is my uncle.
- Q Does Daniel Bigpond speak English? A Yes, he lets on like he can talk English.
- Q Does Daniel Bigpond know how to read and write? I guess he can. I never did get him to write for me.
- Q Do you know if he interpreted to you or your father anything

Bigpond.. #15.

- about what was in this affidavit? A I do not know but I do not think he did; he got there last.
- Q When you were asked how long Gussie Bigpond lived you said one year and twenty-four days did you not? A Yes, if they was to ask me every day I could not say anything else.
- Q You also stated that you filed for the child in the same year in which it was born did you not? A Yes, I did say that.
- Q And you also stated that the child was born in May of that year? A Yes.
- Q From May until the Fall-- about October-- is four or five months? A It may be but I told you that I did not know dates.
- Q You stated here that the child lived one year and twenty-four days after you filed for it, and then you stated again that it was one year and twenty-four days old when it died, and then after that you said that you did not know, that we asked you too many questions-- now is it not a fact that that is the only date you knew, the one referred to, one year and twenty-four days? A--

Mr. Mars objects to the question on the grounds that it is leading, and that it is used by the Commission for the purpose of trying to confuse the witness. Objection noted.

- A That is what I told you. I do not know anything about the dates or the months of the year and have no idea even in the Creek language.
- Q The reason that I ask you this question is to try and help you to remember. We want to know how it is that you can state positively one year and twenty-four days in those two instances and then in answer to other question you do not know anything-- can you explain how that is? A--
- Q In testimony taken before the Creek Land Office in 1903, which is made a part of the record here, the following questions and answers appear: "Q Was Gussie Bigpond living on April 1, 1899? A Yes." Is that correct? A No, I told you that I did not say that but I just left it with the other fellow.
- Q But this is your testimony and not the other fellows, and it is signed by you by mark? A No, I did not say that.
- Q You were asked further "When did she die?" and you answered in the Spring before the Land Office opened, is that correct? A I did not say that and God know that I did not say it. He just told me that he would file on fifteen acres and that is all he told me. I did not say that.

BY MR. MARS:

- Q Who interpreted for you at the time you made selection to fifteen acres? A Why, Daniel Bigpond, and he gave me the number and I went in there to ask him for some money, and he said that there was fifteen acres more that I could file on for Gussie, but it was getting late and near on to train time and I said wait until some other time and he said that I could

Bigpond.. #26.

- go on home and he would tend to that.
- Q Who was you asking for money, Johnson? A J. C. Wilkerson.
- Q He had rented your land before you came to make a selection of this fifteen acres had he not? A I did not come to file on that fifteen acres; I come to get some money.
- Q But Wilkerson had already rented your land had he not? A Yes.
- Q Do you know when your father went into the office of J. M. Weeks to sign that affidavit, and whether or not it was read over to him and explained before he signed it? A I do not know when-- I do not know.
- Q Is Daniel Bigpond a full-blood Indian? A He is a full-blood. He is not a negro.
- Q Is it not a fact that he used to interpret himself? A I do not know. I do not see him often.
- Q You stated while ago, did you not, that Gussie Bigpond died in the following Fall after you filed for her? A One year afterwards.
- Q Then you fix the one year and twenty-four days from the time you filed for Gussie Bigpond at Okmulgee until the date of her death do you not? A Yes.

BY THE COMMISSION:

- Q How old was Gussie Bigpond when she died? A I have just told you.
- Q But I want you to tell me again. How old was Gussie Bigpond when she died. We ask you this because it is impossible that she could have been one year and twenty-four days old when she died and one year and twenty-four days old when you filed for her, now which is correct? A It was from the 15th of May until the Creek Council met.
- Q That is at least four months and four months and twenty-four days is more than twenty-four days-- One year four months and twenty-four days is more than one year and twenty-four days-- that is the reason we ask you this question? A I can not tell you anything more. I have already told you.
- Q Did Gussie Bigpond die one year and twenty-four days after she was born, or was it a year and twenty-four days after you filed for her that she died? A I have told you and I can't say anything more. I do not know.

BY MR. HARRIS:

- Q Did Gussie Bigpond die the Fall you filed, if not, how long after you filed was it until her death? A I told you it was a year after.

BY THE COMMISSION:

- Q How long after Gussie Bigpond was born until she died? A I told you. I can not tell you that part. I can not say it.

Bigpond.. #27.

- Q How old was Gussie Bigpond when she died? A--
Q Was Gussie Bigpond more than one year old when she died? A I
said it was one year after.. Of course she was more than a year.
Q How much older than one year was Gussie Bigpond when she died?
A It might have been four months more than a year.

LUCY TOM, re-called, testified as follows through
Mr. Noah Gregory, Official Eucheé Interpreter:

BY THE COMMISSION:

- Q What is your name? A Lucy Tom.
Q Did you ever notify the Commission-- did you ever let the
Commission know in any way that you had separated from Johnson
Bigpond? A No.
Q Do you know that anybody ever notified the Commission? A No,
I never did.
Q Did you, or anybody that you know of, ever notify the Commission
about two months ago that you were married to Eucheé Tom? A Yes.
Q Did they within a year after you separated from Johnson notify
the Commission? A It must have been more than two years after
we separated.

TAH-PAN-FAH, re-called, testified as follows through Mr.
Noah Gregory, Official Eucheé Interpreter:

BY THE COMMISSION:

- Q What is your name? A Tah-pan-fah.
Q We have here an affidavit, about which you were questioned before,
which was made out on December 30, 1904, do you remember making
out that affidavit? A No, I do not remember that I have ever
raised my hand and marked any papers.
Q We have here an affidavit which is signed Tah-pan-fah Tah-ka-ney,
by mark, and was made out on the 30th day of December, 1904,
about the birth and death of Gussie Bigpond-- To refresh your
memory-- that is the same day on which Lucy made out an affida-
vit. Do you remember anything at all about that? A No, I
never have signed any papers.

BY MR. MARS:

- Q Did you go up into Mars & Mars office and make out an affidavit
about the birth and death of Gussie Bigpond, and did Sam Brown
interpret for you? A I have forgotten about it; I thought
you meant something else.

Bigpond.. #28.

BY THE COMMISSION:

- Q Who was present when you were up there, do you remember? A Just me and my husband.
- Q Is that all? A Yes.
- Q Are you positive that that was all that was there just yourself and husband? A Yes, Willie Littlehead was there.
- Q Was there anybody else there? A That was all.
- Q Do you recognize this paper here (pointing to affidavit)? A I can not tell one print from another.
- Q Can you sign your name? A No.
- Q Did you sign this by mark in the office of Mars & Mars? A No.
- Q Did you touch the pen? A Yes, I touched the pen.
- Q Do you remember the names of the people who witnessed that? A Willie Littlehead; that was all.
- Q Do you remember the name of the Notary Public who took this acknowledgment there in the office of Mars & Mars? A No. (Pointing to Mr. Mars) It was this man, I guess.
- Q You think that Mr. Mars was the Notary Public do you? A He must have been; he was the one that had the paper.
- Q Was this paper that you went up there in Mars & Mars office to touch the pen about read to you and interpreted and explained? A It was by this man (pointing to Mr. Brown).
- Q Did he read it to you and interpret it so that you could understand it? A Yes.
- Q Did you understand what you were signing then? A I don't know. They asked me if I was the mid-wife of Lucy when Gussie was born.
- Q As near as you remember what else was in that affidavit that you signed? A He asked me if I was the mid-wife of the mother of that child that was dead.
- Q Did they ask you the date of the birth and death of that child? A She was born on the 10th of May.
- Q We do not want you to tell us now when the child was born, but we want to know if at the time you went there and touched the pen if you were asked the date of that child's death? A Yes.
- Q And did they put it down the way you told it? A I guess they did.
- Q What date did you tell them that the child was born? A The 10th of May.
- Q Did you tell them the year? A I did not tell them any further; I just said the 10th of May.
- Q And you say that you told them the date that Gussie Bigpond died? A Yes.
- Q What date did you tell them? A I told them that there was just a thin snow on the ground when she died.
- Q Did you tell them the year in which Gussie Bigpond died? A I did not tell him that because I did not know any further than that.
- Q Here is an affidavit which states that that child was born on the 10th of May 1899, did you tell them that? A Yes, he would have to put it that way I guess.
- Q Here is an affidavit which states that Gussie Bigpond died on November 24, 1900, did you tell them that? A I must have told it that.
- Q Did you tell them 1900? A I might. I do not know the way of talking English.

Bigpond.. #29..

- Q At the time that you went there in Mars & Mars office and when you stated that Mr. Mars and Mr. Brown, your husband and Littlehead were there, did you tell them these things that you now state you did-- did they afterwards read it over to you in that way, mentioning in a way that you could understand the 10th of May, 1899 for the birth and on about the 24th of November for the death of Gussie Bigpond? A Yes.
- Q You just stated a minute ago that you did not tell them 1899, now I will ask you again if that was read to you that way? A I just said that she died when there was a little snow on the ground. That was all I said. That was all-- I did not tell them anything more.
- Q We have here an affidavit which you were questioned about a few minutes ago, which was made out on the 30th of December, 1904, do you remember making out this affidavit? A I guess I would know.
- Q I will ask you again-- Do you recognize this piece of paper-- is that the affidavit that you made out at that time? A That might be so-- It may be the same paper.
- Q Do you know the name of the Notary Public before whom you made this affidavit? A I do not know his name.
- Q I will ask you again where this affidavit was made? A It was up stairs (pointing to Mars) where this man stays.
- Q I will ask you again who was present when that affidavit was made out? A Willie Littlehead.
- Q Was there anybody else present? A There was just us.
- Q Who do you mean by "us"-- I want the names of all the people that were present, if you remember their names? A Chicken was present.
- Q Was there anybody else present? A That was all.
- Q Did you tell anybody that was present then the date on which Gussie Bigpond was born? A I never told anyone.
- Q Did any one there ask you for the date of the birth of Gussie Bigpond? A Yes.
- Q Who asked you? A (Pointing to Mr. Mars)-- This man.
- Q Can this man (pointing to Mr. Mars) talk Euchee? A Sammie told me.
- Q Do you mean Sam Brown? A Yes.
- Q What did you tell Sam Brown about the birth? What date did you give him? A I told him that she was born in May.
- Q Is that all you told him about the birth of Gussie Bigpond, just May? A I told him that she was born the 10th of May; that is all that I told him.
- Q Did you tell him, or any body present at that time, the year?
- Q I told him she was one year and six days old when she died.
- Q The question that I asked was did you tell Sam Brown, or anybody else in the room at that time, the year in which that child was born? A I do not know anything about the years. I do not know.
- Q Did the Notary Public, or anybody else present at that time, tell you before you signed it, by touching the pen, the day and month and year in which this child was born? A I just knew what I said-- All that I knew is it was May 10th.
- Q Did you know at the time that you signed that affidavit that it gave the month and the year in which the child was born? A I

- said it was in May.
- Q Did you say the year-- did you know the year in that affidavit?
- A I said the month that was all
- Q Do you mean that when you signed that affidavit that you did not know that it stated the year? A That was all that I knew that she was born in that month.
- Q Did anybody ask you at that time for the date of the death of Gussie Bigpond? A Yes.
- Q Who asked you? A This man (Pointing to Mr. Mars).
- Q Can he talk Eucsee, or can you talk English? A I told you it was Sam.
- Q You mean then that Sam Brown asked you the date not Mars? A I can not tell you anything more.
- Q We are asking you now about the date of the death of Gussie Bigpond-- we asked you about the birth awhile ago? A I said once that it was in the Winter when there was just a thin snow on the ground and that is all that I can say.
- Q We are not asking you now when the child died, but did any one ask you at the time this was made out about the date of the death? A Yes, I told you that they asked me.
- Q Who asked you? A I said this man (Pointing to Mr. Mars)
- Q What did you tell him? A I told you that I did not talk English. I guess Sammie told him.
- Q What did you tell him was the date of the death of Gussie Bigpond? A I have already told you what I said and I can not tell you anything else.
- Q Well, what was that? A You asked me for the death of the child and I told you; that is all that I can say-- I can't say anything more.
- Q Is the date that you told us the same date that you told Sam Brown at the time you made out this affidavit? A Yes.
- Q Did you tell anybody at the time you made out this affidavit, or did any one read to you the year in which the child died? A Yes.
- Q What year did you tell him? A I told him that it was one year and six days. I do not know anything else; that is all that I knew.
- Q You mean that it was one year and six days from the time you made this out? A No.
- Q Well, what do you mean by one year and six days-- one year and six days from what? A I have done told you and I can not tell you anything else.
- Q Did you at the time that you went there and touched that pen in Mars office-- did you know the year in which Gussie Bigpond was born? A Yes.
- Q Do you remember that year now? A I do not know it now. I did not know anything more than that then and I do not know it yet.
- Q Do you mean, as I understand you, when you state that you did know the year in which the child was born-- do you mean by that that it was May 10th-- is that what you mean? A That is all I know.
- Q That is all you mean when you said that you knew the year is it? A Yes, that is what I told you.
- Q Did you know at the time that this affidavit was made out and when you touched the pen-- did you know at that time the year in which Gussie Bigpond died? A --

Mr. Gregory, please be careful in explaining

Bigpond.. #31.

that so that she will understand.

A I did not say that.

Q At the time that you made out this affidavit and touched the pen, did you know the year in which Gussie Bigpond died? A I did know and I told you.

Q What year was that? A I do not know that.

Q Was your knowledge of the year at that time what you now give in the words "there was just a thin snow on the ground"- do you mean to state that that is the way that you knew the year? A That is all that I knew.

Q All that you knew about the year then was that there was a thin snow on the ground, is that right? A That is all that I knew and I do not know the white man's way or the English way of telling anything.

Q I will ask you again. At the time that you signed this affidavit by mark did you know what you were signing-- what was in it, and did you understand it? A I told them what I knew and they interpreted me and he said it. I have told you what I knew.

Q Did you state that Gussie Bigpond was born May 10, 1899? A I do not know that part of it.

Q Do you remember if you stated that the child, Gussie Bigpond, died about the 24th day of November, 1900? A No. I just told already what I knew.

Q All that you knew was that the child was born May 10th without any year, and that it died when there was a thin snow on the ground? A I do not know the year 1899 or the year 1900. The year I do not know. I told you that I did not know the years.

Q Do you now state that you acted as mid-wife when that child was born? A Yes, I did. I was taking care of her.

Q Were you in the room when the child was born? A Yes, I was there in the house.

Q Who else was present that you remember? A Lucy's father was present.

Q Was there anybody else present? A That was all.

JOHN BIGPOND, being duly sworn, testified as follows through Noah Gregory, Official Eucheé Interpreter:

BY THE COMMISSION:

Q What is your name? A John Bigpond.

Q How old are you? A Fifty-six years old.

Q What is your postoffice address? A Depew, I. T.

Q Are you a citizen of the Creek Nation? A Yes.

Q Are you a member of Eucheé town? A Yes.

Q Do you know Lucy Bigpond or Lucy Tom? A Yes.

Q Is she any relation to you? A No.

Q Do you know Johnson Bigpond? A Yes.

Q Is he any relation to you? A Yes, he is my son.

Q Did you know a child of theirs named Gussie Bigpond? A I did know it but I never did see it.

Q Do you know when Gussie Bigpond was born? A I do not know the

Bigpond.. #32.

- the day when she was born, but I heard. Others told me.
- Q All you know about the birth of Gussie Bigpond then is hearsay? A That is all.
- Q Is Gussie Bigpond living? A I do not think she is living.
- Q Do you know when she died? A I do not know it; I just only heard it.
- Q How long after her death before you heard about it? A I never did hear when she died until in December 1900 I was told that she died.
- Q Were you told at that time how long she had been dead? A They did not tell me the date of her death but they said that she died last month.
- Q Who told you that? A Johnson Puckett, I got to his house and he told me about it.
- Q Do you remember making out an affidavit about the death of Gussie Bigpond? A No, I do not know. I never did tell. I never did make a statement when she died and make a mark to it anywhere.
- Q Do you know John M. Weeks? A I do not know him.
- Q Do you know Garfield Buell? A I do not know either of them.
- Q Do you know Bob Cummings? A I no that man.
- Q Do you remember putting your mark to any affidavit about Gussie Bigpond in February of 1904? A I do not know that. I will just tell you how it was. I was sworn to tell the truth and I am telling you how it was. If I know anything I will say I know it and if I do not know a thing I generally say I do not know it. I was in Sapulpa and Consie Tiger came to me and told me that they wanted me up stairs and I went up stairs and when I got up stairs there were two white men sitting there-- Daniel Bigpond and Bob Cummings were sitting there, and they asked me if the filing for Gussie Bigpond was all right. I told them that Johnson filed for this child. I was there and of course I told them that it was all right. That was all I told them. I did not know the men that was there. They told me to raise my hand, and it was a big fellow, I do not know his name-- he told me to raise my hand and I raised my hand. I did not raise my hand to make any statement to any one when Gussie died for I do not know it.
- Q Did Daniel Bigpond interpret for you when you were up before those people? A He told me that these fellows said that if I thought Gussie Bigpond was entitled to an allotment and would swear to that to raise my hand and I did. I was not present at all-- I was not questioned about the death and birth or anything concerning Gussie Bigpond and they called me up stairs and I went up there and that was all they told me.
- Q Is Consie Tiger the same man as Yukon? A No, they are two different persons.
- Q Was Consie Tiger with you when you raised up your hand that time that you have just been telling about? A Yes.
- Q Was John Tiger with you when you raised you hand that time that you have just been telling us about? A Yes, he was there.
- Q Did John Tiger tell you anything about what was in that affidavit? A No, he did not tell me. No one told me what was on the paper.
- Q Now, you have stated that they asked you if you saw Johnson Bigpond when he filed for Gussie and you stated that he did. Is that all they asked you at that time? A They did not even ask me that. They did not ask me a single question about it.

Bigpond.. #33.

- Q Did they ask you any questions at all about Gussie Bigpond? A They just asked me if I thought it was all right for Gussie to have an allotment.
- Q Is that all the asked you? A That is all-- just one question he asked me.
- Q Did he not ask you if that child was living in a certain month and year? A They asked me "Do you think that child Gussie Bigpond is entitled to an allotment when he filed for her." That is all he asked me; he did not ask me anything else.
- Q Do you remember making out an affidavit in November of last year concerning the affidavit that you made out before Mr. Weeks? A The affidavit I made before?
- Q I asked if you made out an affidavit concerning an affidavit which you previously made out before Mr. Weeks? A No, I do not know that. That is all that I know, that first one that I told you about when I was at Sapulpa-- that is all that I know.
- Q Do you remember signing your name by mark to any affidavit at all last year? A I do not know of any papers that I have ever signed that I can remember, only that I am guardian of some children and there are some papers that I have signed. They are all the papers that I have ever signed that I knew of.
- Q Do you remember of going to the office of Mars & Mars last November and talking about this case of Gussie Bigpond? A I never told them anything. He told me himself that there was some information that he got from some one and he was stating it to me himself.
- Q When you went to his office at that time and he told you about Gussie Bigpond did you sign and swear to any affidavit? A I said the same things then that I say now. I raised my hand when he was telling me these things.
- Q You do not remember making out an affidavit there in that office then? A No, he brought some papers out to us.
- Q Who brought some papers out, Mr. Mars? A Yes, he brought some papers out and was telling us about them.
- Q Did he tell you what was in the papers that you made your mark to? A He just said that he had some affidavits made out in which I had stated the death of Gussie Bigpond and I denied it. I denied the statement that I had made an affidavit as to the death of Gussie Bigpond.
- Q When you made out this affidavit were you asked whether or not Gussie Bigpond was living in October, 1899? A I never was asked anything of that kind.
- Q When you made out this affidavit before Mr. Mars did you swear that when you made out this affidavit before Mr. Weeks the only question that was asked you was whether or not the child was living in October, 1899-- and that was what you understood you were swearing to? A No, I never did. I do not know it - I do not remember of anything like that. I do remember the first one referred to but that is all, but there was nothing like that. But as to making a statement to that big stomach fellow or anybody else I never did do it for I do not know.
- Q Do you know when Gussie Bigpond died? A I do not know. I told you that I did not know.
- Q Do you know when Gussie Bigpond was born? A I do not know that; I was just told. I heard of the birth of Gussie Bigpond in June, 1899, the month of blackberry ripe.

Bigpond.. #34.

- Q Was your son, Johnson Bigpond, living with Lucy at the time Gussie Bigpond was born? A No, I did not see them; I do not know whether they were living together or not. I am thirty miles away from where they were.
- Q Do you know whether they ever lived together after Gussie was born? A No, I do not know it; I never did see them.

EXAMINATION BY MR. MARS:

- Q Johnson, all that you know about the birth of Gussie Bigpond is what somebody has told you is it? A That is all that I know; I never did see her.
- Q And you stated, did you not, that you heard in June, 1899, that Gussie Bigpond was born? A Yes.
- Q Did you hear the date that Gussie was born-- the day and year and month? A No, they did not tell me the date, but they told me that she was born last month; that is all they told me.
- Q That was in June 1899 when they told you that? A Yes.
- Q Then, John, in the affidavit that you made out before old man Weeks did you state anything about the death of Gussie Bigpond? A No, they did not ask me any questions about that.
- Q Do you know then, of your own knowledge, that Gussie Bigpond was living when Johnson filed for her? A They told me she was living.

EXAMINATION BY THE COMMISSION:

- Q In that affidavit which you made out in Mr. Mars office about Gussie Bigpond, did you state at the time you made that other affidavit that you thought you were swearing that the child was living in October, 1899? A No.
- Q At the time that you made out that affidavit in Mr. Mars office, about which we were speaking awhile ago, did you state that you knew Gussie Bigpond, and that you furnished clothing for it, and that you knew it at the time it appeared before the Dawes Commission in 1899, and that it was then living-- did you state that in Mr. Mars office? A No.
- Q Did you state at that time when you made that affidavit that there was born to Lucy and Johnson Bigpond one child, Gussie Bigpond in the year 1899; did you state that? A I did not say one word about it. I never saw it and I could not say it.

EXAMINATION BY MR. MARS:

- Q Did you ever furnish any clothing for Gussie Bigpond? A No.
- Q Did you ever send her any clothing by any one? A I saw Johnson send her some clothing.
- Q Did you, or your wife, make up that clothing for Gussie Bigpond? A Yes, it was Rachael Bigpond that made the clothing.

Bigpond.. #35.

- Q Who is Rachael Bigpond? A She is my wife.
Q Do you know whether that clothing was sent to Gussie Bigpond?
A Yes, Johnson bought it for her and she made them.
Q Now, John, did you go with Johnson at the time he filed for Gussie? A No. He went to Okmulgee and filed for her; I was not with him.
Q Were you afterwards with Johnson at Muskogee when he filed for a part of Gussie's allotment? A Afterwards he was here and I was with him when he filed for the eighty acres for Gussie. I just saw him when he filed for her that eighty acres this last time, and it made me think that she must be entitled and when they asked me if Gussie Bigpond was entitled I told them it was all right; I saw him file for her.
Q What time was it that your wife made the clothing for Gussie Bigpond? A It was in the following Winter after she was born.
Q Do you remember what month it was? A I do not know what month it was, but it was in the Fall of the year.
Q Was it in the same Fall that Johnson filed for Gussie at Okmulgee? A Yew, it was after he came home from filing.
Q About how long after? A About two days.
Q You said that Johnson Puckett told you about the death of Gussie Bigpond, did you not? A I said that I got to his house and he told me. He told me about the death of Gussie.
Q What date was that? A He did not tell me the date of her death.
Q What time was it that you was at his house and he told you about Gussie Bigpond being dead? A In the month of Christmas 1900 I was there.
Q Did Johnson Puckett say how long Gussie Bigpond had been dead? A He did not tell me how long she had been dead. I did not ask him that.

S. W. BROWN, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A S. W. Brown.
Q How old are you? A Sixty-two.
Q What is your postoffice address? A Sapulpa, I. T.

EXAMINATION BY MR. MARS:

- Q Do you know Johnson Bigpond? A Yes.
Q Do you know Lucy Bigpond? A Yes.
Q Do you know Tah-paw-fah? A Yes.
Q Do you know John Bigpond? A Yes.
Q Do you know John Wisdom? A Yes.
Q Do you know Lufe Spear? A Yes.
Q Do you remember being in my office on the 30th day of December 1904? A Yes.
Q Do you remember who was present in the office that day? A There

Bigpond.. #36.

was Lucy Bigpond or Lucy Tom, Tah-pan-fah, and also Johnson Bigpond I think was there.

- Q Was Lafe Speer there? A Yes, he was there, and also Jim Myers.
Q Was John Wisdom there? A Yes.
Q Do you know, if any, what position Lafe Speer holds? A Notary Public.
Q Do you remember of his swearing any one to any affidavit that day in our office? A Yes.
Q I will ask you to examine this, marked Exhibit "F", and tell me if you ever saw that before? A Yes.
Q Did you on that date read, explain and interpret to Lucy Bigpond Tom the contents of that affidavit? A Yes.
Q Were you present when the witnesses witnessed her mark to that affidavit? A Yes.
Q Did you see them witness it? A Yes.
Q Did you explain the contents of that affidavit to Lucy Bigpond Tom? A Yes, I explained the whole thing-- what was in it.
Q Did you talk to her before as to the matter of the birth and death of Gussie Bigpond? A I believe I did.
Q I will ask you whether or not you explained to her and that she told you the purport of that affidavit? A Yes.

BY THE COMMISSION:

- Q Did Lucy Tom tell you the dates of the birth and death of that child or did you tell her? A She made her own statements.
Q Did she tell you about the dates of the birth and death of that child? A Yes.
Q Did she tell you that Gussie Bigpond was born May 10, 1899? A Yes, she told me that.
Q Did she tell you 1899, or did she tell you that she did not know the year? A She stated that it was along when the Land Office first opened for filing; 1899 was the date the Land Office opened. She said that some one told her it was in 1899.
Q Then when you explained to the Notary Public that she said it was in 1899 you did not state what was true did you? A Well, she did.
Q But you have just said that she did not tell you that for what she knew, but that was what some one had told her-- Now, did you tell that some one had just told her-- did you tell how it was? A She had a piece of paper on which was written the child's birth May 10, 1899, and that was what she gave.
Q Did you ask her if she knew if that was the date the child was born of her own knowledge? A Yes.
Q Well, why did you say that that was just what some one told you? A She said that was what some one told her. It was her own statement, as the year and the date was put down just as it was stated.
Q Do you know whether she understood what was on that piece of paper? A Yes, she must have; they gave it to me.
Q Did you tell her so that she understood that date 1900? A Yes.
Q Did she tell you that this child, Gussie Bigpond, died in November 1900? A I think she did.

Bigpond.. #57.

- Q Well, do you know that she did? You said you thought she did.
A That is her own statement. It was interpreted just as it was given.
- Q How did you make her understand 1900? She did not give you those words "Nineteen Hundred" did she? A She said that it was the first year that the Land Office opened for filing--1900--and she had it on a piece of paper.
- Q Did she use these words "1899"? A No, she did not use those words.
- Q Did she say 1900? A No, she had it on a piece of paper. 1900 was on a piece of paper that she had.
- Q Then the only knowledge that the Notary Public had of the fact that she understood what she was swearing to 1899 was what you told him? A Yes.
- Q And you believed that she understood those years from the fact that she had them written down on a piece of paper? A Yes.
- Q Have the Eucheas any form of expression that indicates the month of November? A The indication for November is the month before Christmas.
- Q When they say something about a little snow on the ground, does that mean that there actually was snow or does that mean a particular month? A No, it does not apply to any particular month; it means that it is a Winter month.
- Q Could it apply to any Winter month such as December and February? A They have a name for February; they call it a Winter month.
- Q Was that paper on which was written the birth and death of Gussie Bigpond written in English? A Yes, and I do not know who wrote it but it said 1899. It said that Gussie Bigpond was born May 10, 1899.
- Q That was the date of her birth, now what else did it say? A Gussie Bigpond died November 1900.
- Q Do you think they understood that English writing? A I suppose so.
- Q Did they tell you that they understood it? A Yes, they said that was the time the child was born and the time that it died.
- Q Lucy Bigpond Tom told you that did she? A Yes.
- Q Did she tell you who wrote it? A That was one part I forgot. I never asked.

EXAMINATION BY MR. MARS:

- Q Do you remember Dickson Chicken coming into our office on the 30th day of December, 1904, and making out an affidavit? A Yes.
- Q Did you read, interpret and explain that affidavit to him? A Yes.
- Q Is that the affidavit (Showing witness an affidavit marked Exhibit "B")? A It is the same.
- Q Was Tar-ka-ny there that day? A Yes.
- Q Tah-pan-fah Tar-ka-ny, I mean? A Yes.
- Q Did she make an affidavit? A Yes.
- Q Is that the affidavit-- do you remember? A It is the same affidavit. (Affidavit is marked Exhibit "H").

Bigpond.. #38.

- Q Do you remember whether or not on the 18th day of November 1904, John Bigpond appeared in our office and made an affidavit? A Yes.
- Q Did you interpret that affidavit? A Yes.
- Q Is that the affidavit (Showing witness an affidavit marked Exhibit "I")? A Yes.
- Q Did you read, interpret and explain that affidavit to John Bigpond? A Yes, I read and interpreted and explained it to him.
- Q Did you ever have a conversation with John Bigpond concerning an affidavit purporting to have been made by him before J. M. Weeks? A Yes.
- Q What was that conversation? A It was in regard to Gussie Bigpond's land in the first place.
- Q Do you remember whether or not John told you or made any statement as to what he swore to in that affidavit? A He said that he was out doors and that they were all up stairs and they came and got him and took him up there and asked him if the child was living and he said that it was, and that was the only thing that he was asked, and he said that the child was living and then he signed a paper-- That is what he told me.
- Q Did he say that he made an affidavit and stated in there any thing about the birth and death of Gussie Bigpond? A He said that he did not state anything; that was all they asked him --- was the child living.
- Q Do you remember when he appeared in our office and made a counter affidavit in which he stated that he did not make an affidavit before J. M. Weeks, concerning the birth and death of Gussie Bigpond? A Yes.
- Q Do you know Euche Tom? A Yes.
- Q Did you know Lucy Bigpond at the time that she was married to Euche Tom? A Yes.
- Q I meant to ask if you knew Lucy at the time she was married to Johnson Bigpond? A Yes.
- Q But you do not remember the exact date that they were married do you? A No.
- Q Do you know the date that she and Johnson separated? A I do not know it, but understand it from hearsay and could state it.
- Q You may state. A Johnson Bigpond and Lucy were married and lived together and I understood that they had two children---
- Q Do you remember the date that Lucy Tom was married to Euche Tom? A I do not know exactly but it was along in 1901; that is my belief.
- Q Did you know Gussie Bigpond? A I saw her.
- Q When did you see her? A It was along in July.
- Q What year? A 1900.
- Q Where did you see the child? A At her grandfather's. I said I saw the child in 1901, but I was mistaken; it was in July 1900 that I saw the child.
- Q And you saw her at her grandfather's house you say? A Yes, I might have said that but I meant at her father's house.
- Q Where did her father live at that time? A West of Kelleyville about four miles.
- Q What were you doing there? A There was a good deal of confusion among themselves up there and I went up there to see them.

Bigpond.. \$30.

- Q Did you go there to see Lucy or who? A I went to see all of them.
- Q About filing? A Yes.
- Q Did you see Gussie at that time? A Yes, and they said that it was Johnson Bigpond's child.
- Q Did you see that child at its father's house or at its grandfather's house? A At its grandfather's house; I saw the child at Lucy's father's house.
- Q You first stated that you saw it at its grandfather's house and then you stated that you saw it at its father's house? A It was Lucy's father and the child's grandfather.
- Q You do not remember seeing Gussie Bigpond before or after that time do you? A No.
- Q Was Johnson there? A No.
- Q You saw Gussie at the home of Lucy's mother and father did you? Yes.

EXAMINATION BY THE COMMISSION:

- Q How do you know that was Gussie Bigpond that you saw there?
- A I saw Lucy with the child and she said that it was Johnson Bigpond's child.
- Q Is that all she said? A Yes.
- Q She did not tell you the name of it? A No.

EXAMINATION BY MR. KEAN:

- Q You went up there on particular business that time to see about those people filing-- do you not remember the particular date?
- A It was July, because they were going to have a Green Corn Dance. They were not ready for that but was making preparations.

EXAMINATION BY MR. MARS:

- Q When do they have that dance you spoke of? A Sometime they have it the latter part of July and sometime the early part of August.
- Q Did you have a conversation with Lucy Tom after the death of Gussie Bigpond? A No.
- Q Did you, or did you not, have a conversation with her about being appointed administrator? A Yes.
- Q When was that? A Along in 1903. They wanted me to be administrator.
- Q When was that? A Along in 1903-- February.
- Q Were you afterwards appointed administrator of the estate of Gussie Bigpond? A Yes.
- Q When was that? A Along about the 15th of February, 1903.
- Q Did you ever make any report as administrator of Gussie Bigpond? A Yes.

Bigpond.. #40.

- Q Where were you appointed? A At Sapulpa.
- Q Have you ever made a financial report of the estate of Gussie Bigpond? A Not yet. I made one in 1904 and after that it was contested and as I had no land I had nothing to report for.
- Q Did you ever receive any notice from the Commission that the citizenship of Gussie Bigpond was contested? A Not that I know of.
- Q Did you ever file a copy of your letter as administrator with the Commission? A No.
- Q Did you ever notify the Daves Commission that you were appointed administrator of this estate? A No.
- Q Did you ever have a conversation with Lucy Tom as to the cancellation of the allotment of Gussie Bigpond? A Yes.
- Q When? A Somewhere along in June.
- Q Last Summer? A Yes.
- Q What did Lucy say to you about the cancellation of Gussie Bigpond's allotment, or about her name being stricken from the Roll? A She did not say much. I asked her if she ever got a notice from the Daves Commission, and she said no. I told her that I had never got a notice, but understood that her allotment was cancelled.
- Q Did you ever talk to the Commission about this? A Not but one time.
- Q When was that? A I have forgotten; it was not very long ago.

EXAMINATION BY THE COMMISSION:

- Q This affidavit that you state you recognize as one made by John Bigpond before Mr. Mars-- you were asked if he swore in that that he did not know that he had made out before Mr. Weeks an affidavit stating anything about the birth of the child--you have just stated that-- Is that all that was in that affidavit that you remember? A The way I understood it was that he was in Sapulpa and they sent for him and he went up and then the question was put to him: They wanted to know of John Bigpond if Gussie Bigpond was living when Johnson Bigpond filed for her and he said yes it was living.
- Q Is that all? A Yes.
- Q In this affidavit of John Bigpond made before Mr. Mars is that all that was said? A Yes.
- Q Was he asked his name? A Yes.
- Q Did he give it? A Yes.
- Q What name did he give? A John Bigpond.
- Q Did he say how old he was? A Yes, fifty some odd.
- Q Did he state his postoffice address? A I think he did.
- Q What postoffice address did he give? A Depew, I. T.
- Q Did he state that he was personally acquainted with Daniel Bigpond, and Lucy Bigpond or Lucy Far-ka-ny? A Yes.
- Q Do you remember whether or not that affidavit also has him as saying that Lucy Bigpond was his daughter-in-law-- that married his son, Johnson Bigpond? A Yes.
- Q Do you remember also that he stated in that affidavit that there was born to them one child, Gussie Bigpond in the year 1899, and

Bigpond., #41.

- that he knew that child and furnished clothing for it? A Yes.
- Q Did you explain that and interpret it to him as you stated?
A Yes.
- Q That he knew it at the time it appeared before the Dawes Commission, at Okmulgee on October, 1899, did he state that? A Yes.
- Q You also remember that he stated that he was informed that there was on file with the Dawes Commission, an affidavit, pretending to have been signed by him, and sworn to before J. M. Weeks, a Notary Public in Sapulpa, on the 15th day of February, 1904, and that Daniel Bigpond was the interpreter, and stated whether he was asked whether or not the child was living in October, 1899? Do you remember that? A Yes.
- Q Why did you not state that awhile ago then? You stated awhile ago that he swore in that affidavit made out before Mr. Mars that he did not know that he had made out before Mr. Weeks an affidavit stating anything about the birth of Gussie Bigpond. You also stated that he was asked if the child was living when Johnson filed for it and he said that it was? Why did you not state some of these things when you were asked if that was all? Why did you answer "yes" to that question-- "is that all?" A I have so much to think about I did not think of it.
- Q Did he give October 1899 ~~xxx~~ voluntarily, or did you ask him if that was a fact? A He gave them voluntarily.
- Q Did he say anything else about October, 1899? A He said he made clothing for that child after they made the filing. Then he came down here, I understand, and said that Mr. Sanger had a piece of land but would not accept it and turned it over to Johnson Bigpond, and he filed on it for Gussie Bigpond, and so in 1900 he said that he had planted some cotton; had raised some cotton, and had sold some cotton-- that was in October, I think, before the child died.
- Q Is that all? A He might have said a good many things but I do not remember all that he said.
- Q If I were to read it to you would you remember? A Yes.
- Q This affidavit here states that he said when he went before Mr. Weeks that he was asked "was the child living in October, 1899", not whether the child was living when he came to file for it as you now state-- Now which do you mean to state? A The child was living when Johnson filed for it.
- Q He did not mean to swear that the child was living in October 1899, did he? A I do not know.
- Q The records of the Commission show that Johnson Bigpond filed for Gussie on October, 1899, is that what he means? A Yes.
- Q And that is what he understood when he signed it? A Yes.
- Q Then he did not mention the words "October, 1899"? A I think he did. He understands; he is not, like his son.
- Q That is all he stated? He would deny having stated anything else in that Weeks' affidavit? A That is all.

EXAMINATION BY MR. MARS:

- Q You read, interpreted and explained this affidavit to John did you not Mr. Brown? A Yes.

Bigpond.. #42.

- Q And he said that the contents of it was true did he? A Yes, he swore to it.
- Q Do you know John Tiger? A Yes.
- Q --Yukon some call him? A I do.
- Q Do you know R. L. Cummings? A He is a man that I am not much acquainted with.
- Q Do you know Daniel Bigpond? A Yes.
- Q Do you know Connie Tiger? A Yes.
- Q Is Daniel Bigpond a full-blood Indian? A Yes.
- Q Does he talk English? A He talks some English.
- Q Does he understand English sufficient to transact his own business? A That part I can not answer.
- Q Have you ever interpreted for him? A Yes.
- Q Did you ever know him as an Interpreter? A Not to my knowing.

DICKSON BRILL, or CHICKEN, being duly sworn, testified as follows through NOAH GREGORY, Official Kuchee Interpreter:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Dickson Chicken.
- Q How old are you? A Forty-eight.
- Q What is your postoffice address? A Kelleville.

EXAMINATION BY MR. MARS:

- Q Do you know Johnson Bigpond? A Yes, I knew him.
- Q Do you know Lucy Tom? A Yes.
- Q Did you know Gussie Bigpond? A Yes.
- Q Do you know Kuchee Tom? A Yes, I knew them.
- Q How long have you known Johnson Bigpond and Lucy Tom? A I do not know how many years I have known them but it has been a long time since I have known them.
- Q Do you know whether or not Johnson Bigpond was the husband of Lucy Tom? A He used to be Lucy Tom's husband.
- Q Do you know when they were married? A I do not know when they were married.
- Q Did Lucy Bigpond Tom and Johnson Bigpond have any children? A Yes.
- Q What were their names? A They used to call her Gussie.
- Q Were you present at the time that Gussie Bigpond was born? A She was born during the night and I was there the next morning.
- Q Do you know whether Gussie Bigpond is living or dead? A She is dead.
- Q Do you know when she died? A I think she died when she was pretty near two years old.

Bigpond.. #43.

- Q Do you know when she was born? A Yes, she was born in the Spring.
- Q Of what year? A She was born in the month of May but I do not know what year it was.
- Q Do you know when the Land Office opened? A It might have been 1899.
- Q Was that, or was that not, the year in which Gussie Bigpond was born? A She was born in that year in May.
- Q She was born in that year-- do you mean the year that the Land Office opened? A Yes.
- Q Now, how long was it after she was born until she died? A I said that it was pretty near two years from the time she was born until she died.
- Q Do you remember the month that she died? A She died pretty near Christmas time.
- Q Of what year? A I do not know the year.
- Q Dickson, was it the year that the Land Office opened, or was it the year after or two years after that Gussie Bigpond died? A It was more than a year after the Land Office opened that she died.
- Q Do you remember making an affidavit concerning the birth and death of Gussie Bigpond? A Yes, I remember.
- Q Do you know the name of the party before whom you made that affidavit? A I think I knew (Pointing to Mr. Mars).
- Q Do you know Lafe Speer? A I do not know who that is by that name.
- Q Do you remember making out an affidavit last December before Lafe Speer, a Notary Public? A I do not know the man by that name.
- Q Do you remember the name of the party that swore you to that affidavit? A I do not know.
- Q Had you seen him before? A I can not remember. It was not this man (Pointing to Mr. Mars).
- Q And you do not remember his name then? A No.
- Q Did you know at the time that you made the affidavit what you were swearing to? A Yes, I did know.
- Q Was it read, interpreted and explained to you, and if so by whom? A Yes.
- Q Who read it to you? A I think it was Sammie.
- Q Who do you mean by Sammie? A An old man here.
- Q Do you mean Sam Brown? A I meant him but then I might be mistaken.
- Q Was there anybody else there when you made that affidavit? A There are some women here that were there.
- Q Do you know John Wisdom, Marshall of Sapulpa; some call him Jack? A Yes, I know.
- Q Was he there? A I think he was there.
- Q Who witnessed your mark to that affidavit? A There are some women here that are with me; they are the only ones.
- Q Who all were there Dickson? A I do not remember.
- Q Were there several people there, or were there just one or two? A There might have been, but I have forgotten all about it.
- Q Then you did not pay much attention did you as to who were there?

Bigpond... #44.

- A I do not know who were there.
- Q You have not thought about it since you made the affidavit have you? A No.
- Q Were you at Okmulgee when the Land Office opened? A I filed for mine at Okmulgee.
- Q Did you see Johnson Bigpond at Okmulgee at the same time you filed? A No, I did not see him.
- Q How far do you live from Lucy Tom's mother? A One half mile.
- Q And you say that you were present the day that Gussie Bigpond was born? A Yes, she was born in the night and I was there the next morning I told you.
- Q Who else was there Dickson? A The old lady and Tar-ka-ny was there.
- Q You mean to say, then, that Lucy's mother and father was present that day? A Yes.
- Q Do you know Millie Tiger? A I guess I know her; you must mean Yuken's wife.
- Q Do you mean by Yuken John Tiger's wife? A Yes.
- Q Was she present at the birth of Gussie Bigpond? A No.
- Q Do you know where Lucy Tom lived when she and Johnson Bigpond separated? A At Tar-ka-ny's house.
- Q How long did she live with Tar-ka-ny? A More than two years.
- Q Do you know whether or not Lucy lived with her mother until she was married to Buchee Tom? A I think it was that way.
- Q Did you visit them quite frequently? A Yes, I have been there sometime.
- Q About how often were you there Dickson? A I do not know; not far between.
- Q Do you know where Gussie Bigpond died? A At Tar-ka-ny's house.
- Q Were you present when she died? A They told me after she died and I went up.
- Q Were you there, Dickson, the day she lay a corpse? A Yes.
- Q Did you help to bury her? A Yes.
- Q Did Gussie Bigpond die before or after Buchee Tom married Lucy? A After she died.
- Q About how long after Gussie Bigpond died was it until Buchee Tom married Lucy? A I do not know when they were married.
- Q You do not know, then, about how long after Gussie Bigpond died until Lucy Tom was married to Buchee? A I do not know, but it might have been about two years.

EXAMINATION BY THE COMMISSION:

- Q You are sometimes known as Dickson Chicken are you? A Yes.
- Q You stated awhile ago that you saw Gussie Bigpond when she lay a corpse-- Were you present in the house when she died? A I said that after she was dead they come and get me.
- Q You were not present at Gussie's death, then, were you? A No.
- Q Do you know a child of Buchee and Lucy Tom by the name of Louanna Tom? A Yes.

Bigpond.. #45.

- Q Do you know when this child was born? A No, I do not know.
- Q Do you know how old that child is? A I do not know.
- Q Do you remember coming here before the Commission in March 18, 1904, along with Lucy Tom, Eucher Tom and Tah-pan-fah and giving testimony about Gussie Bigpond's death? A Yes.
- Q And you gave testimony at that time about Louanna Tom? A Yes.
- Q At that time you were asked "How old is this child?" (Referring to Louanna Tom)-- and you said that the child was about three years old. Is that correct? A I might have said that but I do not know. They know the year-- the mother and grandmother.
- Q But at that time you gave testimony and said that the child was about three years old. Did you say that without knowing anything about it? A I do not know myself. They told me.
- Q All that you knew then when you said that the child was about three years old was from hearsay, is that correct? A Yes.
- Q Was Gussie Bigpond living when Louanna Tom was born? A No.
- Q How long had Gussie Bigpond been dead when Louanna Tom was born? A I do not know.
- Q At the time that you gave testimony here in March, 1904, you were asked this question: "How long had Gussie been dead when this child was born? A Four or five years when Louanna was born."
- Q You were also asked: "Are you certain that it was as much as two years? A I don't know."-- Do you remember giving that testimony? A I think I said she might have been four years.
- Q Where was this affidavit made out? It was made on the 30th day of December, 1904, and is the one about which Mr. Mars was speaking. A It was up stairs.
- Q In whose office? A (Pointing to Mr. Mars). That man.
- Q You stated that that was read over, interpreted and explained to you before you signed it, did you not? A They told me they wanted me to witness; I do not know just how it was.
- Q You have sworn here in answer to Mr. Mars' question that the statement in that affidavit was read over, interpreted and explained to you before you signed it? A It might have been that way; there was an Interpreter there.
- Q Who interpreted it to you, do you remember? A I thought it was that old man, Sammie.
- Q Did you know at that time that you were swearing that this child, Gussie Bigpond, was born on the 10th day of May, 1899? Did you know that you were swearing and signed to that? A Yes, I said that I did not know the date of her birth, but I simply stated that it was in that month-- that is all that I said.
- Q Did you tell Sam Brown, the Notary Public, or anybody the year 1899 for her birth? A I said that it was in the year that the Land Office opened in May that she was born.
- Q Is that the way that you remember that it was in 1899, because it was the year that the Land Office opened? A I just told them that she was born after the Land Office opened-- In the year that the Land Office opened in May that the child was born.
- Q Did you tell anybody at that time that the child died about November 24, 1900? A I do not remember that. I just stated that she was more than a year old when she died.
- Q Did you not tell them the date of the death of the child? A I said that it was near Christmas when there was a little snow

Bigpond.. #46.

on the ground.

- Q Did you tell them that at that time? A Yes.
- Q When you signed this affidavit did you know that you were swearing that the child died about the 24th of November, 1900? A No, I did not know that because I did not state any date.
- Q When you made out this affidavit did you know that you were stating that Tah-pan-fah Tar-ka-ny was present and acted as mid-wife for Lucy-- Bigpond at the birth of Gussie Bigpond? A No, I was not present there; I do not know it.
- Q So you did not know you were swearing and signing an affidavit that stated that she was present and acted as mid-wife for Lucy when Gussie was born? A No.
- Q Do you, as a matter of fact, know that Tah-pan-fah Tar-ka-ny was present and acted as mid-wife for Lucy when Gussie Bigpond was born-- do you know that? A The old man and the old lady were there when I got there.
- Q But do you know that she acted as mid-wife when Gussie was born? A Yes, she was the only one that took care of her.
- Q Do you mean at the very time that the child was born or shortly after? A They told me that they had been up with her all night and it was near daylight when the child was born.
- Q Did you at the time that you signed this affidavit in the office of Mars & Mars, by mark-- did you at that time know that you were swearing that you had no interest in this case whatever? A I do not know. But they told me that they wanted me to give testimony as to the birth of the child.
- Q Did you at the time that you signed this affidavit, by mark, know that you were swearing to the death of that child, Gussie Bigpond? A No.
- Q Now this affidavit reads this way, part of it: "Was present at the death and burial of said child, Gussie Bigpond, on the twenty-fourth day of November, Nineteen hundred (1900)" A When she died they came and told me and I went.
- Q Then, at the time that you signed this affidavit you did not know that that was in it? A No.
- Q As a matter of fact you now swear that you was not present at the death of the child, Gussie Bigpond? A Yes, and I said the same thing to both as I state now.
- Q Do you remember, at the time you were there in the office of Mars & Mars, of seeing a piece of paper on which they had written in English the date of the birth and death of this child, Gussie Bigpond? A I do not remember any such thing.
- Q Were you present when Lucy Tom made out an affidavit of this kind, just as you did? A They had already made out the paper when I witnessed the birth and death of the child and they had me to sign it.
- Q To whom did you tell these dates of the birth and death to-- Tell me the name of the man, if you remember? A (Pointing to Mr. Mars) It was this man and that old man, and the women in the house when I went up stairs.
- Q Did you tell them, or did one of the men tell you about these dates-- how did you give them? A The only thing that I told them was that I knew that there was such a child born, and it died and I was not there when it died, and that I was living

Bigpond.. #47.

a half mile from them when the child was born and when it died.

CONTINUED UNTIL MAY, 6, 1906.

MAY 6, 1906.

JOHN BIGPOND, re-called, testified as follows through
NOAH GREGORY, Official Ruchee Interpreter:

EXAMINATION BY THE COMMISSION:

- Q Do you know when Gussie Bigpond was born? A I said that I did not know; I only heard. I did not see her.
- Q When did you hear that she was born? A I said that it was in 1899 that I heard, in June.
- Q You mean to say that you heard in June that she was born in 1899? A Yes.
- Q Do you know when she died? A I only heard in June that she was born last month; that is all that I heard.
- Q But I asked you if you knew when she died? A I heard a year after that in 1900-- I heard she was dead.
- Q So all you know about the birth and death of Gussie Bigpond is what you have heard, is it? A That is all; I did not see her.
- Q Now, when you say 1899, do you understand what time that is? A Yes.
- Q Do you understand the years? A Yes, I do not know but I just only knew that it was the time the Land Office opened, and that is why I knew it was that year-- 1899.
- Q How many years ago was 1899? A Was it five years?
- Q Do you know what year this is? A This is 1915.
- Q What was last year? A 1914.
- Q What was the year before that one? A 1913.
- Q And the one before that one? A 1912.
- Q And the one before that? A 1911.
- Q And the one before that? A Back to 1900.
- Q Was that the year that the child died? A Yes.
- Q How many years ago was it that you heard that the child died? A I heard in the month of December that she was dead. Aint it five years up to now?
- Q Do you remember ever having testified anywhere that this child died on the 15th day of March, 1900? A Yes, I understood that in Ruchee it was Little Spring month--
- Q Do you remember ever having testified as to that at any time? A I never did say that; I told you all that I never did make any such affidavit.

Bigpond.. #48.

EXAMINATION BY THE COMMISSION:

NOAH GREGORY, being duly sworn, testified as follows:

- Q What is your name? A Noah Gregory.
- Q How old are you? A About forty-four.
- Q What is your postoffice address? A Sapulpa.
- Q Are you a citizen of the Creek Nation? A Yes.

EXAMINATION BY MR. MARS:

- Q Mr. Gregory, do you know Lucy Tom? A Yes.
- Q Do you know Euche Tom? A Yes.
- Q How long have you known them? A I have known them sometime; I have known them off and on.
- Q About how many years have you known them? A About eight or ten years.
- Q Did you ever hold any official position in the Creek Nation? A Yes.
- Q What? A Member of the House of Kings and Warriors.
- Q What town? A Euche Town.
- Q Are you a member of either of those bodies at this time? A Not now.
- Q How long since you were a member? A Since this last term.
- Q How many years did you serve in the House of Kings and Warriors altogether, Mr. Gregory? A About twelve years.
- Q How old are you now Mr. Gregory? A About forty-four.
- Q Euche and Lucy Tom are members of your town are they not? A Yes.
- Q Do you know Johnson Bigpond and, if so, how long have you known him? A I have known him sometime; I have seen him frequently shortly before the Dawes Commission came here or along about that time.
- Q Do you remember what year that was, Mr. Gregory? A I think in 1898.
- Q Do you know when the Land Office opened? A I think the first day of April, 1898 or 1899.

EXAMINATION BY THE COMMISSION:

- Q Now, do you mean to state 1899, or are you in doubt? A 1899.

EXAMINATION BY MR. MARS:

- Q Did you know Johnson Bigpond and Lucy Bigpond when they were living together as husband and wife? A When they were living together?
- Q Yes? Did you know them as husband and wife? Answer either "Yes" or "No"? A No, I would not know the circumstance of

Bigpond.. #49.

of their being married.

- Q Did you know them during the time that they were living together? A Yes, I knew them. I had a talk with them both and they said that they were man and wife at one time.
- Q Did you not perform the marriage ceremony of Euche Tom and Lucy? A Yes, I remember that.
- Q Do you remember the date that they were married? A No, I do not remember the date, but as near as I can recollect it was either in January or February.
- Q Of what year? A 1902.

EXAMINATION BY THE COMMISSION:

- Q You have a record, have you not, of that marriage? A Yes.
- Q You can produce it can you not? A Yes; it is at home.

EXAMINATION BY MR. MARS:

- Q Did you know Euche Tom and Lucy Tom before they were married? A Yes, I knew them.
- Q And they came to you to get married did they not? A Yes.
- Q Do you remember where you performed that ceremony? A Yes.
- Q How long did you know these parties before they were married? A I did not know them personally, but as I was a member of the Council I had a good deal of dealings with them keeping the rolls, etc.
- Q You just knew them generally did you-- but you knew of such persons did you not? A Yes, I knew of them.
- Q Is your name Noah Gregory? A Yes.
- Q Do you know whether or not Lucy Tom, or Lucy Bigpond, was sometimes called Lucy Tar-ka-ny? A I think so; that is her father's name.

STATEMENT BY MR. MARS: I desire to introduce at this time a certified copy of the Marriage License and certificate by the Clerk of the United States Court, at Muskogee, I. T., and a Certificate of Noah G. Gregory, a Minister of the Gospel, of the marriage of Euche Tom to Miss Lucy Tar-ka-ny.

LUCY TOM, re-called, testified as follows through Noah Gregory, Official Euche Interpreter:

EXAMINATION BY THE COMMISSION:

- Q Have you a child named Louanna Tom? A Yes.

Bigpond... 740.

- Q Was Louanna Tom born before you were married to Euchee Tom or after? A After she was born we were married.
- Q How old was Louanna Tom when you married Euchee? A She must have been a year old.
- Q What time of the year was Louanna Tom born? A I think it was in February.
- Q How long before Louanna Tom was born did Gussie Bigpond die? A Two years.
- Q Are you positive that it was as much as two years? A Yes.

EXAMINATION BY MR. MARS:

- Q Do you remember the month that you was married, Lucy? A I do not know that.
- Q And you say that Louanna Tom was about a year old when you married Euchee Tom? A Yes.
- Q And Gussie died about a year before you were married to Euchee Tom? A Yes.

EUCHEE TOM, being duly sworn, testified as follows
through NOAH GREGORY, Official Euchee
Interpreter:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Euchee Tom.
- Q How old are you? A About twenty-four years old.
- Q What is your postoffice address? A Kelleyville.
- Q Are you a citizen of the Creek Nation? A Yes.
- Q Are you a member of Euchee Town? A Yes.
- Q Do you know Lucy Bigpond or Lucy Tom? A Yes.
- Q Are you her husband? A Yes.
- Q Do you remember when you were married to her? A I do not know that.
- Q Did you have a child by her by the name of Louanna Tom? A Yes.
- Q Do you know when Louanna was born? A I think she was born in March.
- Q What year? A I do not know that part.
- Q Was Louanna born before or after you were married to Lucy Tom? A After she was born.
- Q You were married after Louanna Tom was born? A Yes.
- Q Do you know how long after the birth of Louanna Tom it was before you married Lucy? A About a year after.
- Q Was Lucy's child, Gussie Bigpond, living when your child Louanna Tom was born? A No.
- Q Is Louanna Tom your child? A Yes.
- Q Was Gussie Bigpond living when you first began to live with Lucy? A No.

Bigpond.. #51.

- Q How long had Gussie Bigpond been dead when Louanna Tom was born? A I think it was pretty near two years.
- Q Do you know how long she had been dead when you first begun to live with Lucy? A One year after.

EXAMINATION BY MR. MARS:

- Q Would you be positive, Muchee, as to the death of Gussie Bigpond? A Yes.

STATEMENT BY THE COMMISSION: This case is continued, by consent of all parties present, and is set for June 6, 1905, at 9:00 O'clock A.M.

ooOoo

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Subscribed and sworn
to before me this 20th day
of May, 1905.

Zera Ellen Parrish
Edw. G. Green
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, May 12, 1905.

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In the matter of the application for the enrollment of
Gussie Bigpond, deceased, as a citizen by blood of the Creek
Nation.

J. J. JONES, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A J. J. Jones.
Q How old are you? A Forty-one.
Q What is your present address? A Sapulpa, I. T.
Q What is your occupation? A Attorney-at-law.
Q Mr. Jones, do you remember of John and Johnson Bigpond coming into your office any time in the month of February, 1904, and getting you to draw up an affidavit relative to the death of Gussie Bigpond? A Yes.
Q You may state all that you remember in regard to that matter? A Sometime during the month of February, 1904, and prior to the 15th, a Mr. B. L. Cummings, then and now a citizen of the United States residing near Bixby, in the Indian Territory, came into my office in the Butt Building in Sapulpa with two Indians. He had with him a letter from the Dawes Commission, in an official Dawes Commission envelope with a blank affidavit which they called a death affidavit and wanted the same made out and stated that one of the Indians who was with Mr. Cummings was Johnson Bigpond. I attempted to talk to Bigpond through the Indian who was with them as an interpreter but could not do so to my satisfaction, and I tried to elicit what they wanted with this death affidavit, as they called it, and the Indian who acted as interpreter seemed to not understand nor could not explain to Bigpond to my satisfaction, and they said that the grandfather of Gussie Bigpond and father of Johnson Bigpond would come in with them later, and I told them to get a good interpreter and bring them in and I would write out the affidavit.
Q Later in the same month Mr. Cummings and this same Indian Johnson Bigpond and another Indian came into my office and had this same letter and death affidavit and wanted it filled out, and they had with them another Indian to act as interpreter. From my own knowledge I do not know what the interpreter's name was. To my best memory it was Gennie Tiger but I would not be positive. I asked these Indians, Bigpond and Bigpond, two or three times, and may be more, when this child died and how they

Gussie Bigpond.. #2.

knew, and they stated back through this Interpreter that it died on the 15th day of March, 1900 and gave some reason for knowing that that was the date, but I can not now think of what that reason was. I wrote the affidavit of death ~~certificates~~, and told Mr. Cummings and the Interpreter to go across the Street to the office of Mr. W. P. Root, who was a Notary Public, and if they could not find him then they might go to Judge John M. Weeks, who was also a Notary Public.

- Q You could identify the original of that affidavit if you were to see it could you not? A I could - yes.
- Q Have you any interest in this case whatever, Mr. Jones? A No, sir. The only interest that I could possibly have is that after Gussie Bigpond's name was stricken from the Roll another citizen, Freedman, was filed on this land, and a white man, or citizen of the United States, bought it and I bought and have a warranty deed to five acres of that sixty acres.
- Q Do you know that John and Johnson Bigpond did go to Weeks to have that affidavit executed that they had made out? A Of my own personal knowledge, no. They went with Mr. Cummings out of my office, and I afterwards saw that affidavit in this office a few days afterwards when I happened to drop in here.

Witness is informed that the original affidavit relating to the death of Gussie Bigpond is at the present time in the possession of the Department of the Interior, at Washington, D. C.; that the Commission will endeavor to secure the original affidavit and he is requested to appear before the Commission the next time he is in Muskegee, for the purpose of identifying same.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Subscribed and sworn to
before me this 24th day of
May, 1905.

Zera Ellen Parrish
E. C. [Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T. JUNE 6, 1905.

Appearances:-- Mars & Mars, attorneys for applicant:

In the matter of the application for the enrollment of
Gussie Bigpond, deceased, as a citizen by blood of the Creek Nation.

Joseph J. Jones, being duly sworn, testified as follows:

Examination by the Commission :

Q What is your name? A Joseph J. Jones.

Q You testified in this case on the 12th of May, did you not?

A Yes sir.

Q You testified concerning an affidavit of John and Johnson
Bigpond which you state was prepared by you? A Yes sir.

Q I will show you this affidavit and see if it is the one you
prepared?(Handing to witness the affidavit). A Yes sir, that affi-
davit is in my hand writing, excepting the names of the subscribing
witnesses and the Notary Public and date.

By Mr. Mars.

Q You say you wrote this affidavit Mr. Jones? A Yes sir, that is
my handwriting.

Q Who brought this affidavit a blank to you to fill out?

A Johnson Bigpond, the father of Gussie Bigpond, together with
R. L. Cummings, and some Indians, whose names I don't know.

Q Do you know their names? A No sir.

Q Was there an interpreter with Johnson Bigpond the first time they
came in? A The first time they came in there was an Indian with
them who could talk english slightly.

Q What was his name? A I think it was Conzie Tiger. I told them
they would have to get a better interpreter at that time, and about
a week or ten days after that, Mr. Cummings and Johnson Bigpond
and some other Indians came back to my office with another Indian
to act as interpreter. I don't know what his name was, but he was
the second best interpreter I have seen in the Indian Territory.
The best Euchee interpreter I know is Maxey Sims.

Q Was Conzie Tiger with them the second time they came back?

A Yes sir.

Q Were you present when this second affidavit was sworn to?

A No sir.

Q When these blanks in the affidavit were filled did you understand
it was interpreted to Johnson Bigpond?

A I asked him through the interpreter repeatedly why they knew that
this child died on the 15th of March, 1900, and they had some special
reason as to why they say it died, but I don't call to mind what
that special reason was. Johnson Bigpond himself can talk some
English but not enough for me to predicate an affidavit for him.

Q And they left your office with Mr. Clinton? A Yes sir. I sent
them to Mr. Root's office to make out the affidavit, and I under-
stood afterward that he wasn't there and they went to Mr. Weeks'
office to make it out.

Q Mr. Jones do you know any part of the allotment formerly
selected by Gussie Bigpond? A Yes sir I know what was said to be
selected for her.

Q I will ask you whether or not it was the west half of
the southwest quarter of section 25, township 18 north, range 11 east
of the Creek Nation, Indian Territory? A Yes, it is a part of the

west half of the southwest quarter of township 18 north, range 11 east Creek Nation, section 25.

Q Do you know whether or not that the same tract of land or part of the same tract of land was allotted to one Smart Jacob?

A Not to my own knowledge, no sir.

Q Did you buy any part of the tract of land? A Yes sir.

Q How much? A Five acres.

Q From whom did you buy? A Gordon C. Hughes.

Q Do you know from whom Gordon C. Hughes purchased this land?

A I don't know their names, only they were the heirs of Smart Jacob.

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Robert L. Cummings, being duly sworn, testified as follows:

Q What is your name? A Robert L. Cummings.

Q What is your age? A 42.

Q What is your post office address? A Big Springs.

Q Mr. Cummings do you remember going to the office of Mr. John Weeks, a Notary Public on the 15th day of February, 1904, and signed your name as a subscribing witness to affidavits of John and Johnson Bigpond, relative to the date of the death of Johnson Bigpond's child, Gussie Bigpond? A Yes sir.

Q Now will you state all that transpired before you in connection with the making of that affidavit? A Yes sir I think I can.

Johnson Bigpond has a lease of eighty acres of this land, and he wanted to get possession of this land. He wrote several letters to the Agent or had some of us to write for him to the Agent in regard to it. There appeared to be some doubt about it. Finally he got an affidavit to be filled out, so we taken it to Mr. Jones to get him to fill this death affidavit out, and we went in with Gussie Tiger and John B. Tiger, and Ane Tiger was along too. Someway or other they couldn't agree, and finally we agreed we had better get a better interpreter, and it was sometime after that we found a good interpreter, and we taken him up there to Mr. Jones office and he done the interpreting. Then we came down stairs and seems as though he had to make a train----

Q The interpreter had to make the train? A Yes sir, the interpreter. We got up to Mr. Jones' office but he wasn't there. We lost our interpreter and got another man, I think his name was Clinton and lives out here somewhere by Bristol, but we got Daniel Bigpond as interpreter. A

Q You got him as interpreter? A Yes sir went as interpreter.

Q Was this Mr. Clintonan interpreter, did he seem able to interpret? A Yes sir, they told me he was a good interpreter. I can't remember whether his name was Clinton or not, but seems to me that was his name.

Q Do you know his initials? A No sir.

Q Do you speak or understand Buchee at all? A No sir.

Q Did you hear this affidavit interpreted to Jones at the time he wrote it out? A Yes sir, Daniel Bigpond interpreted it, I heard him.

Q You heard Clinton interpret it to Mr. Jones? A Yes, sir, he was the interpreter we lost as he had to make the train.

- Q Did you look at the affidavit after Mr. Jones wrote it out?
A No sir.
Q Do you remember the dates that were given at that time?
A No sir.
Q Do you know Johnson Bigpond and Lucy Tom? A Yes sir.
Q How long have you known them? A About six years.
Q Do you know this child Gussie Bigpond? A No sir.
Q Do you know anything at all about the death and birth of the child? A No sir.
Q Do you know a child of Lucy Bigpond and Euehee Tom? A Yes sir.
I have seen her around the place.
Q Do you live close to them? A I don't now, I used to live about three miles from them.
Q Do you know anything about the time when Lucy Bigpond and Euehee Tom commenced living together? A Well, I don't know exactly but they were living together when we came to this country and that was in the fall of '98.
Q When was the first you knew of Lucy Bigpond and Euehee Tom living together? A In the spring of '99. We used to have to go through their place in going to work at the saw mill. They were living together there then in a little cabin.
Q Do you know anything about when she separated from John Bigpond?
A No sir.

By Mr. Mars:

- Q Do you know the date Mr. Cummings that you went with Johnson Bigpond to the office of Mr. Weeks and swear to the affidavit?
A No sir. Not exactly Mr. Mars, but I can find out.
Q Do you know what year that was? A Yes sir, in '94.
Q You mean 1904? A Yes sir.
Q Now the land that you mentioned that Johnson Bigpond was having trouble over was any part of the land herein described that lays near Sapulpa? A No sir.
Q The land that you speak of lays near Bixby? A Yes sir.
Q Did you have some trouble about that land yourself? A No more than I had it leased and paid Johnson Bigpond some money.
Q You paid Johnson Bigpond some money on this? A Yes sir.
Q When did you pay Johnson this money on this land Mr. Cummings?
A I don't recollect it was-- it must have been in the spring of 1903 I think along about March.
Q Who was in possession of this land at that time? A Mr. Freedomphaler.
Q Did you ever have a conversation with George Sanger concerning this place? A Yes sir I think I did once or twice.
Q Did you have a conversation with Sanger concerning these premises?
A Yes sir.
Q Did you have a conversation with any person or persons concerning the death of Gussie Bigpond prior to the time you made the affidavit?
A I had a conversation with only two or three persons, I guess, we talked about it.
Q Did you ever tell anyone as to when you thought Gussie Bigpond died? A No sir.
Q Are you positive as to that? A I am pretty Positive, Mr. Mars.
Q I will ask you whether or not you ever heard any statements made by Johnson Bigpond as to the filing of the affidavit in question made by him before J.M. Weeks, a Notary Public as to the canceling of the allotment of Gussie Bigpond? A No sir, I don't think I did.

Q Did you ever talk to Johnson Bigpond as to when Gussie Bigpond died? A I tried to talk to him about it but I g could get nothing out of him.

Q What interest did you have in this matter in securing this affidavit? A To get the allotment that I had a lease on.

Q How come you to file an affidavit in this matter? A They sent it from the Dawes Commission to Johnson Bigpond.

Q I will ask you whether or not it is a fact that you advised Johnson Bigpond to make this affidavit? A Why, we thought that we had to make an affidavit.

Q Did you advise him as to the dates? A No sir.

Q Now Mr. Cummings do you mean to say that you know that Buchee Tom and Lucy Bigpond were living together in the spring of 1899?

A Yes sir.

Q Where was Johnson Bigpond? A I didn't know Johnson Bigpond at that time. I saw him passing by the house every now and then.

Q Do you know of your own knowledge whether they were living together in the spring of 1899? A No sir. We were living on Tom Fulson's place at that time, and there was a saw-mill that I worked at, and on my work there I had to pass their house back and forth all the time.

Q Do you remember what month that was? A Along about the last of April or first of May somewhere along there.

Q You don't read, write or speak the Buchee or Creek Languages?

A No sir.

Q Do you know of your own knowledge whether this affidavit was carefully interpreted for Johnson Bigpond before J.M. Weeks? A No sir, I don't know.

Q You couldn't understand it could you? A No sir. I had confidence in Daniel Bigpond because he was a good interpreter.

Q Do you know Daniel Bigpond? A Yes sir.

Q Did you ever use him as an interpreter? A Yes sir.

Q Did you ever use an interpreter for him? A No sir.

Q Isn't it a fact Mr. Cummings, as a rule you used an interpreter with Daniel Bigpond? A No sir.

Q He doesn't speak good English? A He talks fairly good.

Q Was Little John Tiger present when you made the affidavit before Mr. Weeks? A No sir.

Q Did you ever have a conversation with Gussie Tiger, John Tiger, Geo. Sanger, Lucy Bigpond, Johnson Picket, as to the death of Gussie Bigpond? A No sir.

Q You remember of ever having a conversation with F.L. Mars, as to the death of Gussie Bigpond? A No sir. I don't remember but seems to me he was asking about one of the children but I understood you to mean the one that was alive.

Q You don't know Gussie Bigpond? A No sir.

By Mr. Keam:

Q Mr. Cummings you stated a while ago that John Tiger was not present at the time you made the affidavit? A Yes sir.

Q Please state how you know he was not there, why you remember it?

A Why because he was in jail and we were trying to fix out a bond for him, that is why I remember.

By Mr. Mars.

Q Then you were interested in the making of this affidavit?

A Yes sir.

Q You had had considerable trouble with the parties about their land for two or three years. Yes sir.

J.J.Jones, being recalled testified as follows:

By the Commission:

Q Mr. Jones you stated you had brought with you from the United States Court for the Western District of the Indian Territory at Sapulpa, certain files relating to the administration of the estate of Gussie Bigpond? A Yes sir.

Witness hands paper.

The document handed by the witness has writing on the back as follows: 22 Copy. Application by Samuel W. Brown for administrator of the estate of Gussie Bigpond. Filed February 5, 1903. R.P.Harrison, Clerk Western District. Said document contains several papers as follows: "Affidavit and application for administration by Samuel W. Brown, sworn to February 5, 1903, before R.P.Harrison, per Owen Ireland, Deputy Clerk."

"Also an affidavit of Lucy Wanarke (Lucy Tom), waiving the right to act as administratrix of the estate of her child Gussie Bigpond, deceased, also Bond for \$1000. signed by Samuel W. Brown, A.C.Brown and Charles Holintine."

"After the first paragraph appears the following: 'Samuel W. Brown says that to the best of knowledge and belief the value of the estate of Gussie Bigpond, who died in said district in the Indian Territory, of which she was a resident, on the about _____ day of _____, A.D. 190 _____ is (\$500.00) Five Hundred Dollars, and that the heirs of said Gussie Bigpond, deceased, was etc.'"

Statement by the Commission:

"That the figures 190 quoted are typewritten following that and appearing to complete the number is an figure (0) written with pen; said figure now appears to be written over the figure (1) also written in pen. Gussie Bigpond for whose estate administration was asked is the same Gussie Bigpond whose rights are to be determined in this case.

Lena Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken on said date.

Lena Merrick

Subscribed and sworn to before me this 17 day of June, 1903.

Edw. C. Guese
Notary Public.

DEPARTMENT OF THE INTERIOR,
~~COMMISSIONER TO THE FIVE CIVILIZED TRIBES.~~
Sapulpa, I. T., July 10, 1905.

In the matter of the application for the enrollment of Gussie Bigpond, deceased, as a citizen by blood of the Creek Nation.

(M. L. Mett, Attorney for Creek Nation,
APPEARANCES:
(Mars & Mars, Attorneys for Applicants.

J. E. ROBINS, being duly sworn, testified as follows:

BY COMMISSIONER:

- Q What is your name? A J. E. Robins.
Q How old are you? A Thirty.
Q What is your post office address? A Kelleyville.
Q Do you know Johnson Bigpond and Lucy Bigpond? A I know Lucy.
Q Do you know a child of theirs named Gussie Bigpond? A I know a child of theirs but I don't know its name.
Q Was the child a boy or girl? A I couldn't say.
Q Did you live near Lucy Bigpond when this child you speak of was living? A Yes, sir.
Q Was that child living or dead? A It is dead.
Q When did that child die? A It died May, 1897.
Q When was that child born? A I don't remember.
Q What fixes the date of its death in your mind? A I couldn't say positively.
Q Had you any reason to remember it? A We were picking strawberries.
Q What fixes the year in your mind? A Why, an aunt of mine went to California in 1896 and came back in 1897 and the child died shortly after she came back.
Q You don't know that child's name? A No, sir.
Q How old was that child? A It was nine or ten months old.
Q Have you any reason to believe that it was Gussie Bigpond, whose citizenship is to be determined in this case? A It is the only child of any size I have seen with them.

C. A. ROBINS, being duly sworn, testified as follows:

BY COMMISSIONER:

- Q What is your name? A C. A. Robins.
Q How old are you? A Fifty-four.
Q What is your post office address? A Kelleyville.
Q Do you know Lucy Tom and Johnson Bigpond? A I am not personally acquainted with them.
Q Did you know their child Gussie Bigpond? A There was one there when she left Bigpond and came back.
Q Was the child born before she left Bigpond or after? A After.
Q Do you know in what year that was? A It was born about 1896 I guess.
Q Do you know how long the child lived? A Not exactly, probably a year or a little over.
Q Do you know in what year it died? A It died about 1897.
Q What fixes the date of its birth and death in your mind? A Why, from where I was living and from how long I have been off of the place I was living on at that time.
Q Do you remember when you moved to the place you were living on at that time? A Yes, sir, eleven years ago last February.
Q What year was that? A It was eighteen hundred and eighty something.
Q Can't you fix it any closer than that? A No answer.

Ex. 909, --E.

Q Is the matter of moving to a new place more important to you than the date of the death of a neighbors child? A I was living there and seeing them ever day and they were coming to our place to get things to eat.

Q How long after you moved to your place did that child die? A I don't remember just how long.

Q Was that child you speak of a boy or girl? A I think it was a girl. There was two of them, twins. One died and one lived to be about a year old.

Q Did you ever hear the name of the one that lived to be about a year old? A No, sir.

BY M. L. MOTT:

Q Did you say this child died about 1897? A Yes, sir.

Q You are satisfied about that? A Yes, sir.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 26 day of July, 1905.

Edw. C. Truesel
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Sapulpa, I. T., July 10, 1903.

In the matter of the application for the enrollment of Gussie Bigpond, deceased, as a citizen by blood of the Creek Nation.

(M. L. Mott, Attorney for Creek Nation.

APPEARANCES:

(Mars & Mars, Attorneys for applicants,

LUCY BIGPOND TOM, being duly sworn, testified as follows:

Through Noah Gregory Official (Euche) Interpreter:

BY COMMISSIONER:

- Q What is your name? A Lucy Bigpond Tom.
Q How old are you? A I done told him how old I was.
Q Well, tell us again? A I think I said I was twentyeight years old.
Q What is your post office address? A Kelleyville.

BY F. L. MARS:

- Q Do you remember the date that you was married to Euche Tom? A It was the fourth of July.
Q Do you mean that the fourth of July was the date you was married to Euche Tom by Mr. Gregory? A No, sir.
Q Do you remember the year you was married to Euche Tom by Mr. Gregory? A I don't know. I stated before, I didn't know.
Q Do you mean the marriage by Noah Gregory or do you refer to the time you and Euche Tom were living together when you said the fourth of July? A I mean that we were married the Indians way when I said we were married white man's middle summer and afterwards Mr. Gregory married us. It was on account of this allotment that Indians began to marrying the white man's way.
Q Was Louanna Tom born at the time you were married to Euche Tom by Mr. Gregory? A Yes, sir, she was already born. She was so bad to cry that her grandmother took her out doors when Mr. Gregory married us.
Q How old was she at the time Mr. Gregory married you? A She was a little baby. I don't know how old.
Q About how old? A She must have been about three or four months old.

BY COMMISSIONER:

- Q Was Gussie Bigpond living when Louanna was born? A No, sir, she was not living.
Q How long had Gussie Bigpond been dead when Louanna Tom was born? A Must have been about two years.
Q Do you remember when you were testifying in the case of Louanna Tom when you stated that Gussie Bigpond died about four years before Louanna was born? A I don't remember that I made any such statement but you ask so many questions that it makes a person feel like they was drunk.

EUCHE TOM, being duly sworn, testified as follows:

Through Noah Gregory Official (Euche) Interpreter:

BY COMMISSIONER:

- Q What is your name? A Euche Tom.
Q How old are you? A About twenty-four.
Q What is your post office address? A Kelleyville.

Q Do you remember when you were married the white man's way by Mr. Gregory? A I remember but I don't know when it was.

Q How long before that time did you first commence living with

Lucy Bigpond? A I don't know.

Q How old was Louanna Tom at the time you were married by Noah Gregory? A I don't know.

Q Was Gussie Bigpond living at the time Louanna was born? A No, sir.

Q How long before Louanna Tom was born did Gussie die? A About two years.

BY F. L. MARS:

Q Do you remember how old Louanna was at the time Mr. Gregory married you? A I think she was about four months old.

Q Do you remember the circumstance of the lady taking the child out at the time Mr. Gregory married you and Lucy? A Yes, sir.

BY COMMISSIONER:

Q Do you remember when you testified before the Commission on May 3, 1905, you were asked the following question: "Do you know how long after the birth of Louanna Tom before you married Lucy" and you answered: "About a year after"? A I never said that.

Q Was Gussie Bigpond living when you first began to live with Lucy Bigpond, Indian way? A No, sir.

Q How long after Gussie Bigpond died before you first began to live with Lucy? A About a year.

TAH-PAN-FAH, being duly sworn, testified as follows:

Through Noah Gregory Official (Euche) Interpreter:

BY COMMISSIONER:

Q What is your name? A Tah-pan-fah.

Q How old are you? A I don't know.

Q What is your post office address? A Kelleyville.

BY MR. MARS:

Q Were you present at the time Mr. Gregory married Euche Tom and Lucy Bigpond? A No, sir.

Q Do you remember when they were married? A I don't know a thing about that.

Q Do you know about how old Louanna Tom was at the time Lucy and Euche Tom were married by Noah Gregory? A I don't know. I said I don't know a thing about it because they didn't live out the way I live.

CINDY HAYS, being duly sworn, testified as follows:

BY COMMISSIONER:

Q What is your name? A Cindy Hays.

Q How old are you? A I do not know.

Q What is your post office address? A Sapulpa.

BY MR. MARS:

Q Do you know Euche Tom? A Yes, sir.

Q Do you know Lucy Bigpond and Louanna Tom? A Yes, sir.

Q How long have you known them? A I have known them since they were small children.

Q Do you remember when they were married by Mr. Gregory? A Yes, sir, I was there.

Q Do you know a child of theirs by the name of Louanna Tom? A Yes, sir.

Q How old was that child at the time Mr. Gregory married them? A she must have been about four years old.

Q Do you mean that Louanna Tom was four years old at the time Mr. Gregory married Lucy Bigpond and Euche Tom? A I think so.

Q Do you mean four years? A Yes, sir.

- Q How large was that child at the time they were married? A She was about getting alone.
- Q Then you don't mean that she was four years old do you? A That is all I know.
- Q Do you remember the circumstance of taking that child out of the room at the time they were married? A Yes, sir, I remember she was crying so that I had to take her out doors.
- Q Could she walk? A No, sir, I had to carry her out.

JOHN TIGER, being duly sworn, testified as follows:

Through Noah Gregory Official (Euche) Interpreter:

BY COMMISSIONER:

- Q What is your name? A John Tiger.
- Q How old are you? A Twenty-eight.
- Q What is your post office address? A Bixby.
- Q Do you know Euche and Lucy Tom? A Yes, sir.
- Q Do you know a child of Lucy Tom's named Gussie Bigpond? A Yes, sir.
- Q Is that child dead? A Yes, sir.
- Q Do you know a child of Lucy and Euche Tom named Louanna Tom? A Yes, sir.
- Q She is living is she not? A Yes, sir.
- Q Do you know when Lucy Tom and Euche Tom were married by Noah Gregory? A No, sir.
- Q Do you remember the circumstance of their being married by Noah Gregory? A Yes, sir, I heard that they were married.
- Q You don't know when they were married.
- Q Did you go up to Muskogee to file on your land? A Yes, sir.
- Q Do you remember of going up there to file on your land? A I filed on my land at Okmulgee.
- Q Was Gussie Bigpond living at the time you filed on your land? A Yes, sir, she was living.
- Q How long after you filed on you land before she died? A About a year after I filed she died.
- Q What is the name of your father? A Marney Sport.
- Q What is the name of your mother? A Lucy.
- Q Are you a member of Euche Town? A Yes, sir.

BY MR. MARS:

- Q Do you know one Bob Cummings? A Yes, sir.
- Q Did you ever have any conversation or interpret for Johnson Bigpond and Bob Cummings concerning the allotment of Gussie Bigpond? A No, sir.
- Q Do you know of your own personal knowledge whether or not Robert Cummings and Johnson Bigpond ever had any trouble over the allotment of Gussie Bigpond? A Yes, sir, they did have trouble about it.
- Q What was the nature of that trouble? A There was two contracts given. Lucy Bigpond gave one to George Sango and Johnson Bigpond gave one to Bob Cummings.
- Q Did you ever hear Robert Cummings or any one else make any threats of cancelling the allotment of Gussie Bigpond? A No, sir.
- Q Were you with John and Johnson Bigpond at the time they made an affidavit before J. M. Weeks, at Sapulpa, concerning the birth and death or the death of Gussie Bigpond? A No, sir.
- Q Did you ever talk to Johnson Bigpond about the allotment of Gussie Bigpond? A Yes, sir, I talked to him about her allotment and asked him who was getting the rent of it and I asked Lucy and she said she was not getting it.
- Q Was there anything said about the cancellation of Gussie Bigpond's allotment? A No, sir.
- Q Do you know this eight acres of land adjoining Sapulpa that was allotted to Gussie Bigpond? A Yes, sir.
- Q Did you ever talk to any one concerning that piece of land? A I did inquire about it. I talked to Mr. Jones about it and he told me a niger had filed on that eighty.
- Q When was that? A I don't know but it was the time Bob Cummings and Mr. Jones were on the train and they were coming down on account of that. Mr. Jones said he bought that eighty.

No. 309.---4.

Q Did you ever talk to any one about making a death affidavit about Gussie Bigpond? A No, sir.

BY COMMISSIONER:

Q Did Johnson Bigpond ever tell you when Gussie Bigpond died? A Yes, sir.

Q When did he tell you that she died? A It has been three years and a half since he told me.

Q Did he tell you the date of her death? A No, sir.

CINDY HAYE re-called.

BY ~~MR. MARS~~ COMMISSIONER:

Q How old was Louanna Tom at the time Mr. Gregory married Lucy Bigpond and Euchie Tom? A She was about four months old. I made a mistake when I said it was four years.

Q How do you know it was four months? A I heard others say it was four months.

Q Did you hear it at that time? A Yes, sir.

JOHN M. WEEKS, being duly sworn, testified as follows:

BY COMMISSION:

Q What is your name? A John M. Weeks? ~~Amundhammamhammam~~

Q How old are you? A Fifty-nine.

Q What is your post office address? A Sapulpa, I. T.

Q Mr. Weeks I will show you an affidavit purporting to have been executed by Johnson Bigpond and one purporting to have been executed by John Bigpond on the 15th day of February, 1904, relative to the death of Gussie Bigpond, which affidavit was filed with the Commission to the Five Civilized Tribes on March 4, 1904, and I will ask you if you remember of taking the acknowledgement to those affidavits?

Yes, sir, I remember it. (examining said affidavits)

Q Do you remember the circumstance of these people making these affidavits? A I only remember of them appearing in my office.

Q Do you remember of reading the contents to them? A I have not a clear memory on that but I think I did.

Q Did they have an interpreter with them to tell them what it was?

A Yes, sir.

Q Do you know who that interpreter was? A I have forgotten his name.

Q Are you a member of the Bar? A No, sir.

Q Are you a Notary public at the present time? A Yes, sir.

Q How long have you been a notary? A Four years.

Q Are you generally careful that affiants understand the contents of affidavit which you acknowledge? A Yes, sir, I think I am.

BY MR. MARS:

Q Do you read, write or speak the Creek or Euchie language? A No, sir.

Q Was these affidavit read and interpreted to these parties, Johnson and John Bigpond in the English or Euchie Language? A It was interpreted in whatever language they used.

Q You know then of your own knowledge that it was not done in the English Language? A Yes, sir.

Q Have you a notary record? A I do now but I did not at that time.

Q Then you have not a record of this affidavit? A Not sir.

Q Do you know the party who interpreted these affidavit to these affiants? A Yes, sir, I know him very well but I have forgotten his name for the present.

Q Did you ever talk to any one or have any conversation with any person about this affidavit before it was signed before you as a notary public? A No, sir.

Q Who brought this affidavit? A My memory is now that the party who interpreted it had it in his hand.

Q Do you know who wrote it up? A No, sir.

Q Then you don't know of your own knowledge whether it was correctly interpreted to these parties or not? A No, sir.

Statement by F. L. Mars:

We object to the introduction of these affidavits as evidence for the following reasons: First, that the notary public before whom the affidavits were made admits that he does not know whether the contents of the affidavits were explained to the parties correctly or not and we object that these affidavits be made a part of the record in this case because the notary public, before whom they were made testifies that he did not have any record of, or keep any record of, the affidavits made, as a notary public, as required by law.

BY M. L. MOTT:

Q When this interpreter came to you with this affidavit in his hand were they alone? A Yes, sir, just the three of them.

Q You stated that you had no conversation with any person about this affidavit prior to the time it was executed. Did you have any conversation about it afterwards? A They have asked me if I remembered acknowledging it.

Q Who asked you? A I think it was Mr. Jones.

Q When was that? A It has been a couple a months ago.

Q Was there anything said about the manner in which the affidavit was sworn to or the interpretation of it? A No, sir.

Q Just asked if you remembered it? A I think that was all.

Q Were there any propositions made to you to buy a part of this allotment? A Yes, sir, there was at one time.

Q Who by? A By Mr. Hughes. I don't know as the proposition was made by Mr. Hughes. I think I and my son approached him.

Q What do you value that property at Mr. Weeks? A I suppose it is worth twenty dollars per acre.

Q For what purposes? A For cutting it up into residence lots.

Q That is your estimate? A Yes, sir.

Q How close is it to the town? A It joins the corporate limits.

Q What are town lots worth on the extreme border of the town? A They run one and two dollars and three dollars per foot. Immediately adjoining they are selling for three and three and a half dollars per foot.

Q Then that would make this worth \$250.00 per acre? A That is out into town lots.

Q Wouldn't the other be worth the same? A It would after it was out into town lots.

F. L. MARS, being duly sworn, testified as follows:

BY COMMISSIONER:

Q What is your name? A F. L. Mars.

Q How old are you? A Thirty-two.

Q What is your post office address? A Sapulpa.

Q Are you a member of the Bar? A Yes, sir.

Q Are you a notary public? A Yes, sir.

Q Do you transact a great deal of business as a notary with members of the Euche Tribe of Indians? A Yes, sir.

Q Do you read, write or speak the Euche Language? A No, sir.

Q Have you ever acknowledged the affidavit of an Euche Indian who could not read, write or speak English? A Yes, sir.

Q What was your method of explaining the contents of the instrument? A By having a competent interpreter explain the contents and swearing them in their language.

Q Have you any other way other than your reliance on and confidence in the interpreter of knowing the affidavit is correctly interpreted to the person swearing to it? A No, sir.

Ex. 909.---6.

Q Is it not absolutely necessary when transacting business of that nature with persons who are not able to read, write or speak the English language to use an interpreter? A Yes, sir.

LUCY TOM recalled.

BY COMMISSIONER:

Q Was any one in attendance on you as mid-wife at the birth of Gussie Bigpond? A My mother and my father were in attendance.

Q Did you mother assist you at the birth of the child? A Yes, sir.

Q What is her name? A Tah-pan-fah.

Q Do you remember of executing an affidavit on the 22 day of August 1902, before F. L. Mars, notary public, in which you stated that you were all ~~present~~ on the date of the birth of your child, Gussie Bigpond? A No, sir, I don't know. All I know is that these folks were taking care of me.

Q Do you remember of swear to an affidavit on the 22 day of August, 1902, in which the date of the birth of the child was given as the 15 day of February, 189? A I don't remember. All I know was my mother was taking care of me.

Q Do you know Wanie Littlehead of Kelleyville? A Yes, sir.

Q Do you remember of going with her on the 17 day of March, 1902, before F. L. Mars and swearing to an affidavit in which it was stated that Gussie Bigpond died on the 15 day of January, 1900? A I don't remember.

BY M. L. HOTT:

Q If you state in an affidavit that when the child was born you were all alone what do you mean by 'being all alone'? A I don't remember.

Q Was there any one in the house when the child was born? A My mother and my father. He is dead.

Q Was there any one else? A That was all.

Q Who were you living with when that child was born? A I was living with my mother.

Q Were you living at your mother and father's home? A Yes, sir.

Q Was the child born in the day or in the night? A In the night.

Q Are you in the habit of having a mid-wife at child birth? A Yes, sir, always have a mid-wife.

Q Who was the mid-wife when Gussie was born? A My mother.

F. L. MARS recalled.

BY COMMISSIONER:

Q Mr. Mars, I will show you an affidavit purporting to have been acknowledged by you and ask you if that is your seal? A Yes, sir.

Q Did you write the body of that affidavit? A Yes, sir, (examining affidavit)

Q Do you remember the circumstance of making that affidavit? A I do not.

Q Do you remember whether or not the affidavit was interpreted to the affiant? A It was always customary for me to have an interpreter but I do not remember.

The affidavit referred to is the one dated August 22, 1902, and referred to above in the testimony of Lucy Tom.

Q Now I will show you the affidavit of Lucy Tom and Wanie Littlehead dated March 17, 1902, and ask you if that is your signature? A Yes, sir.

Q Did you write the body of that affidavit? A Yes, sir.

Q Do you remember the circumstance of acknowledging that affidavit? A No, sir.

Q Do you remember whether the contents of these affidavits were interpreted to the affiants? A I do not remember but it customary for me to have an interpreter.

Ex. 909, ---V.

Q Do you keep a notary record Mr. Mars? A Yes, sir.
Q Have you these affidavits noted in your record? A No, sir.
Q Mr. Mars, do you always use the same interpreter in taking acknowledgements of affidavits and transacting business with Mocha Indians?
A No, sir, I can't always get the same one.
Q Do you remember of using any other interpreter than Sam W. Brown in taking the acknowledgement of Lucy Bigpond relative to the birth and death of Gussie Bigpond? A I don't know that I did. As a rule we always got Brown to interpret for her.

LUCY TOM recalled.

BY M. L. MOTT:

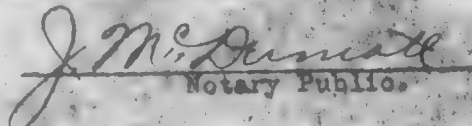
Q Do you know anything about years. The difference in years. You know the difference between 1895 and 1905? A No, sir, I don't know white man's way of counting.
Q Can you give the year of the birth of any of your children? A Nasir, I can't. I don't know the meaning of the English.

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I, D. C. Shaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.



Subscribed and sworn to before me this 25 day of July, 1905:


Notary Public.

DEPARTMENT OF THE INTERIOR,
~~COMMISSIONER TO THE FIVE CIVILIZED TRIBES.~~
Sapulpa, I. T., July 11, 1905.

In the matter of the right to enrollment of Gussie Bigpond,
deceased, as a citizen by blood of the Creek Nation.

M. L. Hott, Attorney for Creek Nation.

APPEARANCES:

Mars & Mars, Attorneys for applicant.

CONSIE TIGER, being duly sworn, testified as follows:

Through Noah Gregory Official (Euche) Interpreter:

BY COMMISSIONER:

- Q What is your name? A Consie Tiger.
Q What is your age? A I am over thirty.
Q What is your post office address? A Sapulpa.

BY F. L. MARS:

- Q Do you know Lucy Tom? A Yes, sir.
Q Do you know Euche Tom? A Yes, sir.
Q Do you know Johnson Bigpond? A Yes, sir.
Q Did you know a child of Lucy Tom and Johnson Bigpond named Gussie?
A Yes, sir.
Q Did you live near both these people? A Yes, sir, I used to live
within three miles of them.
Q When was that? A We used to be neighbors there in 1888.
Q Do you mean 1888 or 1898? A (Witness writes the figures 1898)
Q Do you know when this child, Gussie, was born? A I know the
month, she was born in May, but I don't know the date.
Q Do you know the year? A Yes, sir.
Q What year? A I can't hardly call the name right. I will write
it down. (Witness writes the figures 1899)
Q Were you close neighbors to them in 1899? A No, sir, we were not
neighbors then.
Q You were neighbors in 1898? A Yes, sir.
Q Did you see that child quite often? A I used to see her once in
a while. Some times they had it here in town and sometimes I seen it
at a dance.
Q When was the last time you saw that child? A It was in July.
They had a dance the other side of Kelleyville and they had this baby
there with them and it was sick then.
Q Was it a Bunk? A Yes, sir. Just a dance.
Q What year was that? A (Witness writes the figures 1900) which he
states is the year)
Q Do you remember about what time in July that was? A I don't know
the date but I know it was in that month. That is all I knew.
Q Do you know when the child died? A I don't know the month it
died but it was the following Fall he died. It was not very far in
the winter after Fall that she died. I would bet 160 acres, that is
a positive truth, that this child is entitled to an allotment.

BY COMMISSIONER:

- Q You say you were living near them in 1898? A 1899 was the year
she was born and 1900 was the year she died.
Q In which year were you living near them, 1898, 1899 or 1900? A
1898 I lived the other side of Bristow. Lucy and Johnson were living
there and after the land office opened I came down here to get an
allotment.

Q That was in 1899 was it? A It was in the winter of 1898 that they separated.

Q Was Gussie born before they separated or after? A After they separated. It was near the Spring of 1899 they had a dance over here and Lucy was very large in a family way then and Johnson was trying to get her to go back with him where they used to live near Bristow and she went back with her folks.

Q Do you know when Euche Tom began living with Lucy? A Yes, sir.

Q Which year was it that Euche Tom began living with her? A It was a year after that I think. (witness writes the figures 1901)

Q You think it was in 1901 that they began living together? A Yes, sir.

Q Was Gussie Bigpond living when they began living together? A No, sir, she was dead.

Q How long had she been dead when Euche Tom began living with Lucy?

A I don't know how long it was but it seems to me it was not quite a year after the child died that they were married. It was in the summer that I heard they were married.

Q Do you mean by their being married that they were married the white man's way or that they were just living together Indian way? A It was when they didn't have to sign no papers. They just liked one another and just agreed to live together.

Q Do you remember when they were married by Noah Gregory? A I just only heard. I don't know when that was.

Q Do you know in what year Louanna Tom was born? A I know the year but I don't know the date. This child here (indicating a little girl) is a few months older than it is.

Q How old is this child? A She was born January 12, 1902.

Q And you think Louanna Tom is a little younger than that child? A I made an application to see if I could get an allotment for her and I couldn't and when I came back I heard Euche Tom was going to make application for his child and I don't know whether they did or not. I knew they couldn't if I couldn't.

Q Did you tell Euche Tom that you could not enroll your child? A No, sir, the people knew they couldn't file for their children at that age, at that time.

Q

BY F. L. MARS:

Q What is the name of this child you referred to here? A Aby Tiger.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 23 day of July, 1905.

Edw. C. Shinn
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Sapulpa, I. T., July 11, 1908.

In the matter of the right to enrollment of Gussie Bigpond as a citizen by blood of the Creek Nation.

BESSIE ELLIS, being duly sworn, testified as follows:

BY COMMISSIONER:

- Q What is your name? A Bessie Ellis.
Q What is your age? A Twenty-one.
Q What is your post office address? A Sapulpa.
Q Miss Ellis, I will show you an affidavit of Lucy Bigpond, sworn to before F. L. Mars, notary public, and witnessed by F. L. Mars and Bessie Ellis, and ask you if that is your signature? A Yes, sir that is my signature.
Q Do you remember the circumstance of the making of that affidavit?
A No, sir, not that particular one. We had so many affidavit that I do not remember that particular affidavit.
Q Were you working for F. L. Mars at that time? A Yes, sir.
Q Did Mr. Mars usually have an interpreter in drawing up these papers?
Q Yes, sir, if the Indians could not talk English he did.
Q Who was his interpreter? A Sam Brown and sometimes Mr. Land and I think he had Mr. Gregory.

CHARLES CLAYTON, being duly sworn, testified as follows:

BY COMMISSIONER:

- Q What is your name? A Charles Clayton.
Q How old are you? A Twenty-four.
Q What is your post office address? A Sapulpa.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Do you know Lucy Tom and Euche Tom? A Yes, sir.
Q Do you know how long they have been living together? A About six years the best I recollect.
Q What makes you remember it? A I lived near by them.
Q Was there any important event in your life about that time which makes you remember how long ago it was? A Yes, sir.
Q What was it? A I have a child who will be six years old next August.
Q Were Lucy and Euche Tom living together at the time that child was born? A Yes, sir.
Q Were they living together at the time you married the mother of that child? A Yes, sir.
Q How long before the child was born did you marry its mother? A About a year.
Q Were you living near them when their child Louanna Tom was born?
A Yes, sir.
Q Do you remember how long ago it was that that child was born? A I don't know but one. The one they got now.
Q Do you know how long ago that child was born? A Three or four years ago, I think.
Q Do you know whether or not it was three years ago or four years ago? A No, sir.
Q Did you ever know a child of Lucy's called Gussie Bigpond? A No, sir.
Q Did you live near Lucy before she married Euche Tom? A No, sir.

J. O. HENKOFD, being duly sworn, testified as follows:

BY COMMISSIONER:

No. 908.---2.

- Q What is your name? A J. C. Hensford.
Q How old are you? A Forty-nine.
Q What is your post office address? A Sapulpa.
Q Do you know Lucy Tom and Euche Tom? A I know Euche but I don't know Lucy.
Q Do you know his present wife? A No, sir.
~~Q Do you know how long he has been living with his present wife? A~~
~~No, sir.~~
Q How long have you known them to be living together? A I don't know much about this woman. All I know, Euche Tom had been living south of here about two miles about nine years.
Q Did he have a wife with him all that time? A I couldn't say. I knew there were some women there.
Q Was he living at his own house or was he living with Tah-pan-fah's family? A I don't know. I think they were all living there together in one house.
Q Do you know this man Clayton, who has just testified in this case? A Yes, sir.
Q Do you know how long he has been married? A He married in 1899.
Q What makes you remember the date? A He has been working for me ever since he has been in the country.
Q And you are positive that he was married in 1899? A Yes, sir, it was in the Spring.
Q What is your occupation? A A little of everything. Farmer and I was running a ranch at that time.
Q Are you an employe of the United States Government? A No, sir.

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I, D. G. Shaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. G. Shaggs

Subscribed and sworn to before me this 25 day of July, 1903.

Edw. C. Shaggs
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 26, 1905.

In the matter of the right to enrollment of Gussie Bigpond,
deceased, as a citizen by blood of the Creek Nation.

J.J.Jones, being duly sworn, testified as follows:

By Commissioner.

Q. What is your name? A J.J.Jones

Q What is your age? A 41

Q What is your post office? A Sapulpa.

Q Were you in Sapulpa from the 10th to the 11th of July this year
at the time the commissioner was having a hearing at that place
in the case of Gussie Bigpond? A Yes, sir, I was.

Q Did you see Genzie Tiger at that time? A I did

Q Did you have a talk with him before he gave testimony in this
case. A I did

Q Was that talk with reference to the date of the birth and
death of Gussie Bigpond? A It was

Q Will you state what Genzie Tiger told you? A I called Genzie
Tiger into the hall from the room in which the testimony was
being taken and asked him what he knew about Gussie Bigpond,
as to her birth and death and he said to me that he didn't
remember to have ever seen the child at all and I told him then
that he could do us no good, nor do us any harm. I asked him
with expectation of putting him on the stand and his answer
was as I have stated, in substance. I afterwards learned that
he went on the stand in about ten minutes after he talked with me
I don't know what he testified to I never saw his testimony
Q He told you he didn't know when she was born? A He said he
didn't know when she was born or when she died and he didn't
remember having ever seen the child.

I, Anna Garrigues, on oath state that the above is a true
and correct transcript of my stenographic notes taken in said
cause on said date.

Anna Garrigues

~~Subscribed~~ and sworn to before me this 26th day of July 1905.

Edw. C. Smith

~~Notary Public~~ Public.

Ex. 999.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 27, 1905.

In the matter of the application for the enrollment of
Gussie Bigpond, deceased, as a citizen of the Creek Nation.

Appearances: M.L. Mott for the Creek Nation.

George P. Sanger, being duly sworn testified as follows:

Witness states that he appears at the request of attorney F.L.
Harris for applicant, who is not present.

Q What is your name? A George P. Sanger

Q What is your age? A 40

Q What is your post office? A Sapulpa

Q Do you know Lucy Bigpond Tom? A Yes, sir

Q Do you know her present husband, Muchee Tom? A Yes, sir

Q Do you know a child of hers called Gussie Bigpond? A Yes, sir

Q Is the child living or dead? A Dead

Q Do you know when it died? A I don't know exactly when it died,
I know it was living July 1900 and they told me the child died
that fall.

Q How do you know it was living in July 1900? A I saw it
Q Did you know the child? A I knew the child by its mother, its
mother had it with her.

Q You saw Lucy with a child, how big a child was it?

A It looked like it might be a year and a half old

Q In July 1900 you saw Lucy with a child that looked like it
might be a year and a half old, did she tell you who the child
was? A No, several Indians told me it was her child.

Q That was about five years ago was it? A Yes, about five years
ago

Q Do you remember any other Indians that you saw there that
time that had their children with them? A No, I saw her in
Kellyville I saw her with the child and then I saw her over
at the Busk ground with the child

Q Did you see any other Indians there that day that had children
in their arms? A Yes, I saw several that day

Q Name some of these children? A I saw Jennetta Tiger, saw her
their with a child

Q A child of her own? A Yes, sir

Q About how old was that child? A Looked like it was eight or
ten months old.

Q Do you know the name of the child? A No, sir

Q Do you know any other Indians had children there? A No I never
paid much attention, I just stopped there awhile and I was up on
Deep Fork

Q Did Lucy have any other children with her that day? A No
One reason that I noticed the child in particular I went down to
Okmulgee and filed and I selected the allotment for Jim Tiger,
his wife and sister, Johnson Bigpond and Lucy and this child

Q You selected their allotments? A Yes, sir

Q When was that? A October 1899

Q Had you seen the child before that? A Yes, sir I had seen it
before that but that was--I saw it the fall of 1899

Q Do you know when that child was born? A No, sir

By Mr. Mott

Q You say the allotment you selected was the other side of Bixby?

A Yes, sir

Q For this child A Yes and I selected eighty acres adjoining the town of Sapulpa

Q Did you select that? A Yes, sir

Q What time? A I think along in the winter when they came down it was either December or January 1900

Q Was the child living then? A Yes, the child was living when it filed on that land near Sapulpa

Q When you selected the eighty near Bixby, that was in October 1899, how came you to select that

A I just went down with them because I had improvements on this land

Q Who went with you? A Johnsen Bigpend, Jim Tiger and wife and Jim Tigers sister

Q Was Johnsen Bigpend the father of this child? A Yes, sir

Q Did you see the child then? A No, sir, I didn't see the child then, his wife wasn't with him, they had separated

Q Did you see his wife about that time? I saw his wife just after that time

Q During the fall? A Yes

Q She had the child then? A Yes, sir

Q And that was the child you selected that land for? A Yes, sir

Q Are you a citizen? A No

Q Are you a white man? A Yes, sir

Q You have no Indian blood in you? A No

Q You are a United States citizen? A Yes

Q How long have you been in the Territory? A Twenty three years April this year

Q What business are you in? A I have some property up there I rent out and collect rent and am agent for the Singer Mfg. Co.

Q Have a family? A Yes, sir, a wife and one boy.

Q Do you know this child was living when you selected the allotment? A Yes I know it was living when I selected the allotment

Q You saw the child in 1900? A Yes I was down in 1902 and the child had been dead I was told a year and a half, time I took the allotment on the place

Q You say you had some improvements on this Bixby 80 acres?

A Yes, sir

Q Did you get any pay for them? A No I took the contract, allowed them so much for the improvements, what was over I paid them in money

Q Is there any possibility about your being mistaken about that time? A No, there is no possibility at all about me being mistaken

Commissioner

Q Without going into dates do you know how many months that child lived after the allotment at Sapulpa was selected?

A That child died it was a little over twelve months after it filed on the land.

Q After it filed on the Sapulpa place? A No after it filed on the first place

Q How long did it live after it filed on the Sapulpa place?

A I don't remember exactly when it filed, I gave those Indians the numbers of the land, it was in November and they came down December or January

Q Was the child living when they came down? A Yes, it was living when it filed on the last eighty

Q How long after that did it die? A It died in 1900

-3-
Q How long after it filed on the last eighty did it die? A It was ten or eleven months

By Mr. Mott

Q You can prove a good character can you? A Yes I can prove as good as any in the Greek Nation.

Anna Garrigue on oath states that the above and foregoing is a true copy of her stenographic notes taken in said cause on said date.

Subscribed and sworn to before me
this 28th day of July 1905.

Anna Garrigue

E. C. Wells
Notary Public.

Ex. 900.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, August 17, 1905.

In the matter of the application for the enrollment of
Gussie Bigpond as a citizen by blood of the Creek Nation.

Hearing in this case was set for August 18, 1905 but
with the consent of the attorney for applicant and attorney
for Creek Nation the following testimony was heard this day,
with right reserved to hear further testimony on August 18,
the day originally set for the hearing.
F. L. Mars, attorney for applicant
M. L. Mott attorney for Creek Nation

Jenetta Tiger, being duly sworn, testified as follows:

By Commissioner:

Q What is your name? A Jenetta Tiger.
Q What is your age? A Thirty eight years.
Q What is your post office address? A Kellyville.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Lucy Bigpond Tom? A Yes, sir.
Q Do you know a child of hers named Gussie Bigpond? A Yes, sir.
I have seen her with the baby.
Q Johnson Bigpond was the father of that child was he not? A Yes, sir.
Q When was the last time you saw Gussie Bigpond? A The last time
was July 18, 1900.
Q What caused you to remember that date? Well they had a gathering
there at the Euche square ground and Lucy brought the baby with
her that day.
Q Did she have another baby with her? A No, sir that was the
only child she had at that time.
Q Do you know how long after that it was that Gussie Bigpond died?
A No, sir I don't know just how long afterwards but the child
was sick a long time afterwards, it was sick that day. It was
sick a long time before it died.
Q Do you know when Gussie Bigpond was born? A I don't know exactly.
Q Do you know what year she was born? A Must have been in 1899.
I get that child's age because her baby was seven or eight
months older than mine.
Q When was your child born? A 1899 December 8th.
Q You are sure that it wasn't the same year that your baby was
born that you saw Lucy? A No the next year.
Q Did you have your baby with you at the picnic? A Yes, my baby
was eight months old.
Q Is your baby enrolled? A Yes, sir.
Q What is its name? A Eliza Tiger.

The records of this office show that Eliza Tiger the
child of the witness is listed with her mother on Creek
Indian card field No. 400 and the name of said Eliza Tiger
is contained in the partial list of Creek citizens approved
by the Secretary of the Interior March 13, 1902, roll No.
1290. It appears from the record in the case that said
Eliza Tiger was born December 8, 1899.

By Mr. Mura

Q Do you know one George P. Sanger? A Yes, sir
Q How long have you know him? A Pretty near twenty years I guess
Q Do you remember seeing Mr. Sanger at the square or stamp dance near Kellyville on July 18th, 1900? A Yes I remember he was out there selling sewing machines and collecting for what he had sold before
Q Was your husband's name Jack Tiger? A Yes, sir
Q Is he living? A No, sir
Q Do you know of your own knowledge whether or not your husband assisted Mr. Sanger as an interpreter at that stamp dance in making collections and selling machines? A Yes, he interpreted for him to sell and he interpreted when he was collecting
Q Was there any other circumstance that you can mention that fixes the date in your mind as being on July 18, 1900
A The reason I know is because they were having their green corn dance and that was the last day of the dance and a big day and it was on the 18th, that is the reason I know.
Q Was there any one with Lucy and the baby, any other members of the family? A Her father and mother, her mother Mrs. Tahlanah was taking more care of the baby than Lucy was. A You say you have heard when this child died, about what time did it die do you say? A I don't know just when the child died. It seems to me it was a couple of months afterwards, the child had been sick a long time. We lived four or five miles apart but we didn't visit them.
Q Do you know Kuehee Tom? A Yes, sir
Q Do you know whether or not at that time July 1900 whether Lucy and Kuehee Tom were living together? A No, sir. I think she was living with Johnson then
Q Do you know when Lucy and Kuehee began living together? A I don't know and I couldn't say, it must have been a year after that. Lucy was single quite a while before she married this man. Johnson filed for her and the baby and her folks were on the Snake order and they wouldn't let her live with him.
Q You knew this child while living in the same neighborhood?
A Yes, sir, I knew them well.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct copy of my stenographic notes as taken in said cause, on said date.

Subscribed and sworn to
before me this 17th day of August 1906.

Anna Garrigues
Edw. C. Cressley
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 18, 1906.

In the matter of the application for the enrollment of Gussie Bigpond (deceased) as a citizen by blood of the Creek Nation.

(The Creek Attorney was communicated with by 'phone and this Office was advised that he could not be present. No appearance by attorneys for applicant.)

Olive Robbins, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Olive Robbins.
 Q What is your age? A 47 years old.
 Q What is your postoffice address? A Kellyville.
 Q Are you a citizen of the Creek Nation? A No sir.
 Q You are a white woman? A Yes sir.
 Q Do you know Lucy Bigpond who is now the wife of Eucher Tom?
 A Yes sir.
 Q How long have you known her? A Ten years.
 Q Did you know her when she was living with Johnson Bigpond?
 A Yes sir.
 Q Do you know when she first went to live with Johnson Bigpond?
 A I don't know when she first went to live with him.
 Q Did you know a child of hers called Gussie Bigpond? A Yes sir.
 Q Child of Johnson Bigpond? A I never knew Johnson Bigpond.
 Q You knew the child Gussie Bigpond? A Yes sir.
 Q Did you know its name? A Yes, it went by the name Gussie Bigpond.
 Q Do you know when that child was born? A Yes sir; it was born in June, 1897.
 Q What causes you to remember that? A It was the same year that I came back from California.
 Q That the child was born? A Yes sir. Came on the 15th of May, the child was born in June. They were twins, born in June.
 Q What was the occasion of your visit to California? A I went to doctor my sister to take out some cancer.
 Q When you returned in May, 1897, this child had not yet been born? A No sir.
 Q It was born in June? A Yes sir.
 Q You know how long it lived? A It lived until next May, but one did not live--just a day.
 Q Are you certain that Gussie died just a year after birth--she was one year old when she died? A Was born in 1897 and died in May 1898.
 Q Did you know Lucy in 1899? A Yes sir.
 Q Did she have a child in 1899 that you know of? A I don't know whether the last baby was born that time or not.
 Q When you speak of the last baby, you mean the one that is now living--Louanna Tom? A Yes sir.
 Q Are you certain that there is no possibility of a mistake in

Gussie Bigpond-----2

the dates that you give for the birth and death of that child?

A No sir; I don't think there is.

Q How near did you live to Lucy? A Three-quarters of a mile.

Q Did you see her often? A Yes sir.

Q Well acquainted with her? A Yes sir.

Q Since the birth of this child, Gussie, she has only had one other child? A Yes, I think that is all she has. That is all I know anything about is living now. I think she has--about four years old.

Q Do you know when Lucy separated from Johnson Bigpond? A No sir.

Q You know when she commenced living with Suckee Tom? A No sir.

Larry Brown, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A Larry Brown.

Q How old are you? A 32.

Q What is your postoffice? A Olive.

Q Are you a citizen of the Creek Nation? A Yes sir.

The witness is identified as Larry Brown, on Creek Indian card, field No. 614, and his name is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, Roll No. 1982.

Q Do you know Lucy Bigpond Tom? A Yes sir.

Q How long have you known her? A I don't know how long.

Q How near did you live to them? A I have lived about twenty miles.

Q Did you live near her when the child, Gussie Bigpond, was living? A About a mile from them.

Q You know when Gussie Bigpond was born? A No sir--she was born in '97, in July.

Q Do you know how old she was when she died? A About ten months old when she died.

Q Have you a child named Bessie Brown? A Yes sir.

Q Did Gussie die before or after your child, Bessie Brown was born? A Before.

Q She died before Bessie was born? A Yes sir.

Q Sure of that? A Yes sir.

The records of this Office show that Bessie Brown, child of the witness, is listed on the card with her father, Roll No. 1987. It appears from the proof of birth in that case that said Bessie Brown was born the 18th day of September, 1898; also that said proof of birth was executed on the 2nd day of June, 1899.

Q Has Lucy had any other children that you know since Gussie was born? A She has got--

Q Is that the one that is living now? A Yes sir.

Q It had come between those two? A I don't know.

Q What causes you to remember the date of the birth of Gussie Bigpond? A I was always around there, buying cattle for--

Q What causes you to remember the date of the death of Gussie Bigpond? A Lived right there then.

Q How long before your child, Bessie, was born did Gussie die?

A Three or four months.

Q Do you know if Gussie was a twin of another child? A Yes sir. One lived no more than two days.

Q Are you positive that you are not mistaken about the dates of the birth and death of Gussie Bigpond? A Yes sir.

Q Johnson Bigpond, and Lucy and Suckee Tom and To-pon-fe, and several other witnesses all say that Gussie was born in May, 1899, that is about two years after the date you gave for her birth; do you think they are all mistaken? A I think they are all mistaken.

Q You know Johnson Bigpond right well? A Yes sir.

Q What kind of a man is he, a truthful man? A No, he is not.

Q Would you believe him under oath? A No sir.

Q What makes you say that you would not believe Johnson Bigpond under oath? A I know him; he lies so.

Q Have you any grudge or feeling against Johnson Bigpond? A No sir.

Q Are you on friendly terms with him? A Yes sir.

Albert Mosquito, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A Albert Mosquito.

Q How old are you? A I am about 27.

Q What is your postoffice address? A Bristow.

Q Is Albert Mosquito the name under which you are enrolled?

A That is the name on my deed.

Q Were you ever called Albert Squiter? A They changed the name here. They used to call me Squiter.

The witness is identified as Albert Big Mosquito, on Creek Indian card, field No. 589, and his name is contained in the partial list of Creek Indians approved by the Secretary of the Interior March 13, 1902, Roll No. 1906.

Q Do you know Lucy Bigpond Tom? A Suckee Tom's wife? Yes sir.

Q Do you know when she used to live with Johnson Bigpond?

A Yes sir.

Q Did you know a child of theirs named Gussie Bigpond? A That's, never seen her.

Q How near did you live to Lucy when Gussie was living? A About a mile west from them.

Q Do you know when Gussie was born? A No, I was not present that I would--she was about near a year old when she died.

Q Do you know what year she was born in? A In 1897, I believe.

Q What causes you to remember the year of her birth? A At that time she and Johnson Bigpond were living together.

Q Did the child die before she and Johnson Bigpond separated?

A After, I believe, after she went home to her father. The child died after she got to her father's.

Q Do you know what was the cause of Johnson and Lucy separating?

A No sir; I don't.

Q Do you remember when land was filed on for you? A Long in 1899, in June.

Q Was Gussie Bigpond living when land was filed on for you?

A No sir. That child was dead along in _____ I filed away after the child died.

The records of this Office show that a citizenship certifi-

Gussie Bigpond-----4.

cate was issued for Albert Big Mesquite June 29, 1899.

- Q Do you know Johnson Bigpond right well? A Yes sir.
Q Is Johnson a truthful sort of a fellow? A I don't know much about him; I just know him when I see him; that's all I know him.
Q Johnson Bigpond, Lucy and To-pon-fe all say that Gussie was born in May, 1899, and lived more than a year; do you think they were mistaken?
A The child lived about a year. The child was born in '97 and died in '98; that's what I know.
Q Are you sure there is no possibility of your being mistaken about the birth of your child? A Well, I remember the year the child died. The child was not living when we all filed.
Q Do you know if that child, Gussie, was born alone, or of twins?
A Twins. The other lived about two or three days and died; Gussie lived about a year.

Jumbo Tiger, being duly sworn, testified as follows (through Larry Brown, sworn Buchee interpreter):

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Jumbo Tiger.
Q How old are you? A 32.
Q What is your postoffice address? A Bristow.
Q What is the name of your father? A Ga hath lam.
Q Was your father ever called Jim Tiger? A Yes sir.
Q Have you a child named Jim Tiger? A Yes sir.

Witness is identified as Jumbo Tiger, on Creek Indian card, field No. 2180, and his name is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, Roll No. 6665.

- Q Do you know Lucy Bigpond and Johnson Bigpond? A Yes sir.
Q Did you know a child of theirs named Gussie Bigpond? A Yes sir.
Q Do you know when Gussie Bigpond was born? A No sir; I don't.
Q Did you live near Lucy at the time Gussie was born? A Yes sir.
Q Did you have a child named Jim Tiger? A Yes sir.
Q Was Gussie Bigpond born before or after your child, Jim Tiger, was born? A Gussie Bigpond is older than Jim.
Q About how much older was Gussie Bigpond than Jim? A I don't know.
Q Was Gussie born in the same year that Jim was born? A No sir.
Q Do you know when your child, Jim, was born? A Jim was born in August.
Q Gussie was born before Jim was born? A She was, yes sir.
Q Which died first, Gussie Bigpond or your child, Jim? A Gussie.
Q How long did Gussie die before Jim died? A About two years.
Q Do you know in what time of the year Gussie Bigpond died?
A Along sometime in 1898.

Jim Tiger, the child of witness, was listed on the same card with his father, and his name is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, Roll No. 6667. It appears from the record in said case that said Jim Tiger was born in the month

of November, 1897. Proof in said case was taken March 26, 1901 (Died March 14, 1900).

- Q Are you certain that Gussie Bigpond was born before your child, Jim, was born? A Yes sir.
 Q Are you certain that Gussie Bigpond died before your child, Jim, died? A Yes sir.
 Q Do you know Johnson Bigpond? A Yes sir.
 Q Is Johnson Bigpond a truthful man? A No sir.
 Q Have you any grudge or feeling of any kind against Johnson Bigpond? A No sir.
 Q Have you any feelings against Lucy or any of her family? A No sir.
 Q Are you a friend of theirs? A Yes sir.

Scott Hofine, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Scott Hofine.
 Q What is your age? A 45.
 Q What is your postoffice address? A Kellyville.
 Q You are not a citizen of the Creek Nation? A No sir.
 Q White man? A Yes sir.
 Q Do you know Lucy Bigpond and Johnson Bigpond? A Yes sir.
 Q Did you know a child of theirs named Gussie Bigpond? A Yes sir.
 Q Do you know when Gussie Bigpond was born? A I could not tell you exact date--10th day of June, 1897.
 Q What causes you to remember the year of her birth? A I was working in a store, for a Mr. Kelly, in Kellyville, for nine years. She came to the store more or less all during this time. Was born in the year that the Frisco extended from Sapulpa to Oklahoma City.
 Q The child was born in 1897? A Yes sir.
 Q You know how long that child lived? A No sir; I don't.
 Q Lived as much as two years? A No sir, didn't live over a year. As near as I remember the death of the child, either the latter part of the winter or early spring of 1898. That is the last time I remember seeing the child.
 Q Do you know Jennetta Tiger? A Yes sir.
 Q Did you have a conversation with her about the dates of the birth and death of Gussie Bigpond? A No sir, nothing in particular, about the dates of the birth or death, either one.
 Q Did you have a conversation with her at all about Gussie Bigpond? A Yes sir.
 Q Will you state what that conversation was? A She came up to my house last Tuesday, and I asked her where she was going. She wanted to borrow my buggy to go to Muskogee in a case for Sam Brown. She said she did not know anything about the case. Said Sam Brown wanted her as a witness in the Gussie Bigpond case. Said the old man wanted her to help him out.
 Q That is all the conversation you had with her? she said she did not know anything about it? A Yes sir. She said Mr. Brown wanted her to help him out.

Hearing adjourned until 1 o'clock, P. M., in order to give the attorney for the applicant an opportunity to be present and

Gussie Bippend- - - - -

cross-examine the witnesses whose testimony is set forth above

.....


1:15 o'clock, P. M.:--Attorney for applicant not having appeared, the witnesses are excused.

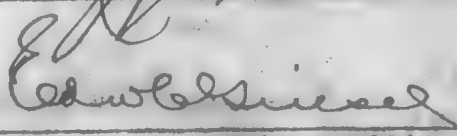
INDIAN TERRITORY,
Western District.

I, J. Y. Miller, a stenographer to the
Commissioner to the Five Civilized Tribes,

do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before
me this the 21st day of
August, 1905.





Notary Public.

I, do solemnly swear that I am years
of age, and that on the day of 1 in the
Nation, Indian Territory, I served the within Subpoena on the within named
by then and there delivering a true copy of the same to said

Subscribed and sworn to before me this day of 1

M. H. Brown

No.

SUBPÆNA.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enroll-
ment of

in the Nation.

Copy

23.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

To

M. H. Brown
(P.O. Weelaha)

You are hereby summoned to appear before the the Commission to the Five Civilized Tribes at

Sapulpa in the Creek Nation, Indian
Territory, on the 10 day of July 1905, to testify before said Commission
in making rolls of citizens as provided by Act of Congress of June 28th, 1898, in the matter of the
application of Susie Bigpond

for enrollment as a citizen of the Creek Nation, Indian Territory.

Herein fail not under penalty of the law.

Dated at Muskogee I.T. this 19 day of June 1905

Commissioner.

Mr. Rogers:

*Mr. Garr
Please review for date
of birth and death of
child*

I have found from conversations with several persons that eighty acres of the land formerly allotted to Gussie Bigpond adjoins the townsite of Sapulpa; that divided into town lots, the land would probably sell for more than \$200 per acre.

When Gussie Bigpond's name was stricken from the rolls, these eighty acres, or part thereof, were allotted to Smart Jacob (deceased), a freedman, and sold by his heirs to a man in Sapulpa named Hughes. A son of this man Hughes accompanied the witnesses who gave testimony in this case on August 18, when ^{they} came to Muskogee. All the witnesses whose testimony conflicts with the testimony produced by the applicants were brought before the Office by this man Hughes, or by J. J. Jones, who now owns five acres of the Gussie Bigpond-Smart Jacob allotment.

The witnesses for the applicants were unquestionably coached at times by Mr. Mars, and many of the answers they gave ^{were} in response to questions ~~were~~ so worded as to leave no doubt as to the answer ~~required~~. *desired*

Connie Tiger, who testified to having seen Gussie Bigpond in July, 1900, was, on a former visit to Muskogee, questioned by me with the view of ascertaining what he knew about this case. He told me at that time that he knew nothing whatever about it and his testimony was therefore not taken.

I am absolutely certain that fraud and perjury have been practiced in this case, but I am not convinced as to which side is guilty. I have based this decision on what appears to me the clearest testimony given. *E. D.*

En 909

date carbona

1-18-06

May 4, 1905. Johnson Bigpond, father of Gussie Bigpond:

Gussie was born May 10 or May 15, the year the land office opened. He filed for Gussie the year that she was born. She was then living. She died one year and twenty-four days after he filed for her. She died twenty-four days after he filed for her. Gussie was born one month after he separated from Lucy. He did not separate from Lucy until Gussie was nine months old. Gussie died three months and twenty-four days after he separated from Lucy. He separated from Lucy in the spring. He heard of Gussie's death four days after it occurred. It was in the winter time. Gussie was one year and twenty-four days old when she died. Denies absolutely that he knew the contents of the affidavit signed by him that Gussie died March 15, 1900. Gussie Bigpond died one year and twenty-four days after he filed. Gussie died nine months after he filed. It was one year and twenty-four days after he filed that Gussie died. Gussie was one year and twenty-four days old when she died. He was not doing any farm work when Gussie died. He was picking cotton when Gussie died. He was not doing anything when Gussie died. Gussie was one year and twenty-four days old when he filed for her. Gussie was born two months after he separated from Lucy. Gussie died one year and twenty-four days after he filed for her. Gussie was one year and twenty-four days old when she died. Gussie died in the fall, the year after he

filed for her. "a separated from Lucy because her father objected to him filing for the family. "I do not know anything about the dates or the months of the year and have no idea even in the Creek language." Johnson filed for Gussie, Lucy and himself October 19, 1899.

May 4, 1906. John Bigpond. Father of Johnson Bigpond. Does not know when Gussie was born. He heard in December, 1900, that she was dead. Denies executing the affidavit that Gussie died March 15, 1900. Does not know when Gussie was born nor when she died. He heard of her ^{birth} ~~death~~ in June, 1899. It was the year the Land Office opened that he heard of Gussie's death. Does not know years. This year is 1915, then 1914, then 1915, then 1912, then 1911, then 1900. The child died died that year.

May 4, 1906. Samuel W. Brown. He saw Gussie Bigpond in her mother's arms, home of Lucy's mother in July, 1900. He does not remember seeing the child before or after that.

May 4, 1906. Dickson Bell or Chicken. He saw Gussie the morning after she was born. She was nearly two years old when she died. She was born in May of the year the Land Office opened. She died about Christmas time the year after the Land Office opened. Lucy lived with her mother two years before she married Enchee Tom.

Gussie Tom married Lucy after Gussie died. He does not know how long after but it might have been two years. Does not remember how long Gussie had been dead when Louanna was born.

Eugene Tom. Present husband of Lucy, and father of Louanna Tom, May 4, 1905. Louanna was born in March, about a year before he married Lucy. Gussie was dead before he began to live with Lucy. Gussie died about two years before Louanna was born and one year before he began to live with Lucy.

July 10, 1905. Gussie died about two years before Louanna Tom was born. Louanna was four months old when he was married to Lucy. Denied that he said Louanna was a year old when he married Lucy. He began to live with Lucy about a year after Gussie died.

In Louanna Tom case, March 14, 1904. Gussie died two years before Louanna was born. Has been married to Lucy about four years--nearly five years. Louanna was born after his marriage to Lucy. Louanna was born after he filed for his sister, Silla Wernicke (March 13, 1902).

J. J. Jones, an attorney, testified that he prepared the affidavits executed by John and Johnson Bigpond stating that Gussie Bigpond died in March, 1900. His testimony, the testimony of R. L. Cummings and that of John H. Weeks before whom the affidavits

4--
was executed, show that great care was exercised in finding out from Johnson Bigpond the date of Gussie's death; that the date given in the affidavit was the one given by Johnson, and that he did know what the affidavit contained at the time he swore to it. Cummings also testified that he did not know when Gussie was born or when she died, but that Lucy was living with Euchee Tom in the spring of 1899.

Cindy Hays testified positively that Louanna Tom was four years old at the time Euchee Tom and Lucy were married. Witness was given an opportunity to correct the statement, but she did not do so and was excused. Later the witness was recalled and she testified that Louanna was four months old at the time of Lucy's marriage.

John Tiger testified that Gussie was living when he filed on his land and that she died about one year after that.

J. E. Robins testified that a child of Lucy Bigpond Tom died in May, 1897. He remembers it because it was the year his aunt returned from California. Child was about ten months old at time of its death. Gussie died about 1897.

Charles Clayton. Lived near Lucy since his own child was born. His child is six years old in August. He married the mother of the child about one year before the child was born. Lucy was living with Euchee Tom at the time witness was married and Lucy

had no child with her during that time until the birth of Euche Tom's child (Louanna Tom).

J. O. Hereford was married in 1899.

Consie Tiger. Gussie Bigpond was born in May, 1899. Saw it at a Green Corn Dance (or ___) in July, 1900. It died the following fall. Euche Tom began living with Lucy in 1901. Louanna Tom was born a few months subsequent to January, 1902

J. J. Jones says that Consie Tiger told him that he knew nothing about the case. That this statement was made just before Consie testified.

George P. Sanger. He attended a Euche dance

Tah-Pan-Pah, mother of Lucy. May 4, 1905. Johnson brought Lucy home and left her. She married Euche Tom about one year later. She married Euche Tom two years after the separation. Gussie was born May 10. Does not know the year. It might be three years ago and it might be four. Gussie died about three years before Louanna was born. It might have been four years. She is positive that it was as much as two years. Gussie was born after the separation. Gussie was two years old when she died. She died in the month before Christmas. Lucy married Euche Tom about a year after

Gussie died. Louanna is about four years old. She does not know the year that Gussie was born. Gussie died before witness filed. She was the midwife in attendance at the birth.

In case of Louanna Tom.

March 15, 1904. Louanna is three years old. Louanna was born about two years after Gussie died.

Lucy Tom. Mother Married Euchee Tom two years after leaving Johnson. Gussie was born May 10, and was two years old when she died. Child was born two months after separation. Johnson took her home and left her. It was a long time before Louanna was born that Gussie died. I did not have a man for a long time before Louanna was born. Gussie died more than two years before Louanna was born. Separated before Gussie was born. Tah-pan-fale was midwife. Was married to Euchee Tom when ^{Louanna} Lucy was about one year old. Record shows marriage to Euchee Tom in 1902. Is positive that Gussie died as much as two years before Louanna was born. In response to leading question by attorney she stated that Gussie died one year before Louanna was born.

July 10 Louanna was only four months old when Gregory married her to Euchee Tom. Gussie died about two years before Louanna was born. Does not know difference between 1895 and 1905. Cannot give date of birth of either of her children; does not know anything

about years.

Lucy's testimony in case of Louanna Tom. November 23, 1903.

Louanna was born last March two years ago. Louanna is going on three.

March 15, 1904. Louanna was born in March and is now three years old. Had a child named Gussie. Gussie died our years before Louanna was born.

March 22, 1905. Louanna was born March 5, 1901. In an affidavit executed February 3, 1903, she states Louanna Tom was born Feb. 1, 1901.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

CHICKASAW NATION, INDIAN TERRITORY

IN THE MATTER OF THE PETITION OF

In the Matter of Citizenship of
Quasie Bigpond, Citizen of
the Creek Nation, Indian Ter-
ritory.
Quasie Bigpond, Deceased.
November, 24th, 1900.

CHICKASAW INDIAN ROLL, NO. 3965
A. F. F. A. L. N.

RECORDS

Comes now the appellant, Lucy Bigpond, Tom, by her Attorneys, Messrs. Mars, and states that the records of the COMMISSION TO THE FIVE CIVILIZED TRIBES for the Creek Nation, Indian Territory, in this case show that Lucy Bigpond Tom and Johnson Bigpond are the citizens of the Creek Nation, Indian Territory, and whose names appear upon the authenticated rolls, as duly admitted citizens of the Creek Nation, Indian Territory, and that Lucy Bigpond Tom and Johnson Bigpond are husband and wife, and that they were married prior to the year 1890, according to the Indian custom of marriage in the Creek Nation, Indian Territory, and that during said marriage there was born to them one child, named Quasie Bigpond, who was born on the 10th day of May, 1898.

That on the 14th day of October, 1899, THE COMMISSION TO THE FIVE CIVILIZED TRIBES was in session for the enrollment of citizens of the Creek Nation, at Okmulgee, Indian Territory, and that on the 18th day of October, 1899, the records in this case show that Johnson Bigpond, the husband of Lucy Bigpond Tom, and the father of Quasie Bigpond, appeared before said COMMISSION on the day, date and place aforesaid, (October, 1899, at Okmulgee, Creek Nation, Indian Territory), and was present at the signing of Quasie Bigpond, as shown by the records, and that he was duly enrolled; that the said Quasie Bigpond, as shown by the records, was duly enrolled with the children presented before him by the said Johnson Bigpond.

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to said citizenship of the said Gussie Bigpond, verified her, the said Gussie Bigpond, under Creek Indian Roll, No. 1010, and appeared upon the records of the partial list of Creek citizens, by blood, approved, March, 23th., 1903, opposite Roll No. 5856.

The records further show that on the 19th. day of October, 1898, said Johnson Bigpond was permitted to make a selection or filing for the said Gussie Bigpond, of the lands of the Creek Nation, Indian Territory, and that the allotment of the said Gussie Bigpond was made as follows, to-wit:-

The West Half of the Southwest Quarter of Section Twenty-five (25), Township Eighteen (18) North, Range Eleven (11) East, and the West Half of the Northeast Quarter, of Section Twenty-eight (28), Township Seventeen (17) North, Range Thirteen (13) East, all of the Creek Nation, Indian Territory, and that a certificate of allotment #5273 was issued to the said Gussie Bigpond for a portion of said lands under Creek Indian Roll, No. 1010.

The records further show that on the 8th. day of February, 1904, THE COMMISSION TO THE FIVE CIVILIZED TRIBES received a letter from one J. J. Jones, of Sapulpa, Indian Territory, and on the 15th. day of February, 1904, said COMMISSION replied in the letter received on the 8th. day of February, from J. J. Jones, marked Exhibit "C", to-wit:-
Creek Indian Roll, No. 1010.

Muskogee, I. T. Feb. 15, 1904.

J. J. Jones,

Sapulpa, I. T.

Dear sir:-

The Commission is in receipt of your letter of February 8th., in which it is stated that you desire certain information concerning Gussie Bigpond, deceased, to be used in the matter of having an administrator appointed.

Yours truly,

Tama Dickey,

Chairman.

The records further disclose that on the 5th day of November, 1903, the COMMISSION mailed blanks for proof of death of Gussie Bigpond, to Johnson Bigpond, Sapulpa, Indian Territory, stating in this letter that they had information of the death of Gussie Bigpond, and that on January 5th, 1904, the following letter was written by the Chairman of the COMMISSION TO THE FIVE CIVILIZED TRIBES, to-wit:-

Creek Roll No. 3256.

Muskogee, I. T., January, 5th, 1904.

E. B. Miller,

Chief Clerk, Creek Land Office.

Muskogee, I. T.

Dear Sir:-

You are directed to suspend action in the matter of making allotments in the Creek Nation to the heirs of Gussie Bigpond, deceased, approved Creek Roll, No. 3256, until proof showing the exact date of her death is furnished the Commission.

Respectfully,

TAMM FAYOR,
Chairman.

That as a further matter of record, it appears that Johnson Bigpond and John Bigpond appeared before John M. Weeks, a Notary Public, for the Western District, Indian Territory, at Sapulpa, on the 15th day of February, 1904, and made affidavits of the death of Gussie Bigpond, as shown by Exhibits "D" and "E" herewith filed.

The records show that the COMMISSION TO THE FIVE CIVILIZED TRIBES, on the 4th day of March, 1904, acted upon the affidavits of John Bigpond and Johnson Bigpond, as shown by Exhibits "D" and "E", struck the name of Gussie Bigpond, appearing opposite Roll No. 3256, from the Creek Indian Rolls.

FINDINGS AND DECISION OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

The COMMISSION after an investigation of the records found that Gussie Bigpond was a regularly enrolled citizen of the Creek Nation, Indian Territory, in that, that the COMMISSION permitted testimony on the 15th day of October, 1903, as shown by the records in this case,

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...the rights of Gussie Sigmond, as a widow, under right to

...not to be enrolled, and ... of an allotment
to be made as her approximate share of the lands of the Creek Nation
Indian Territory, and ...
which was approved and enrolled opposite Creek Indian Roll, No. 1000
... afterwards and in the latter part of the year 1903, ...
was advised as to the death of Gussie Sigmond, and on the ...
Johnson Sigmond and John Sigmond, ...
COMMISSIONER ... the name of Gussie Sigmond ...

ARGUMENT AND STATEMENT OF RECORDS.

The records of the COMMISSIONER show:

that on the 19th day of October, 1903, the COMMISSIONER admitted
Gussie Sigmond to be enrolled, as a Creek citizen, and that upon said
enrollment, ... of lands of the Creek Nation, Indian
Territory, to be made for her, and issued certificate of allotment
therefor.

The records of the Commission further show Johnson Sigmond to be
the only person notified or to whom blank affidavits were furnished, or
any information or knowledge given at all concerning the death of Gussie
Sigmond, and that there is no place upon the records in this
case where it is shown that Lucy Sigmond was notified or had any
knowledge of the Commission's desiring testimony as to the death of her
deceased daughter, Gussie Sigmond, or concerning the rights of witness-
ship of Gussie Sigmond.

Exhibits A, B, C and D herewith filed, made by Lucy Sigmond, John
Sigmond, Gussie Sigmond and John Sigmond, and Exhibit E by John
Sigmond, together with the records in this case, should establish Gussie
Sigmond to have allotment of lands, as effected October 19th, 1903.

Exhibit F, being an affidavit made by Lucy Sigmond, ...
... that Gussie Sigmond was born on the 19th day of ...
... at ...
... of Lucy Sigmond, ...

"A", "B" and "H", made by Johnson Bigpond, Millie Tiger and Tah-pen-fah Tah-ka-nay, except in Exhibit "B", Millie Tiger states that said child was born on the 15th day of May, 1899, when all the other testimony shows the birth of said child to be on the 10th day of May, 1899; and Exhibit "F", affidavit of Lucy Bigpond Tom, in the second paragraph, contradicts Exhibit "B" as to the date of birth of Gussie Bigpond, made by Millie Tiger in Exhibit "B", in that she, Millie Tiger was present at the time of the birth of said child, and in that, that Millie Tiger was not the attending physician or midwife; also Exhibit "F" upon this point is corroborated by Exhibits "G" and "H", in that, that Millie Tiger was not present at the time of the birth of said child, and further that Tah-pen-fah Tah-ka-nay was present and acted as the midwife at the birth of said child. Exhibit "F", being the affidavit of Lucy Bigpond Tom further shows that prior to the birth of said child, and in the month of March of the year 1899, Johnson Bigpond and Lucy Bigpond Tom were separated, and that Lucy Bigpond Tom had been living with her mother for two months prior to the birth of said child, and continued to live or reside with her mother and father both before the birth of said child, and for several months after the death of Gussie Bigpond, and that Exhibits "F", "G" and "H" all show the date of the death of Gussie Bigpond to be the 24th day of November, 1900, and that affidavits, being Exhibits "F", "G" and "H" show that they attended the last sickness and burial of Gussie Bigpond on the 24th day of November, 1900, and that Gussie Bigpond was about 1 1/2 years old at the time of her death, and that Lucy Bigpond Tom and Johnson Bigpond were not living together as husband and wife at the time of the birth of said child, Gussie Bigpond, and were not living together at the death of said child, and have not lived together as husband and wife to this day, and had been separated prior to the birth of said child, and that the testimony of Johnson Bigpond, as shown by Exhibit "A" was made upon information as to the exact date of the birth of

said child, and that Exhibit "C" was the death certificate of said child, and that said child was born on the 15th day of March, 1900, and was not the living person who was the child of Gussie Bigpond, and in Exhibit "D", Johnson Bigpond, alleged his correct age to be 28 years, which was made on the 15th day of October, 1900, and in Exhibit "D", he swore that Gussie Bigpond died on the 15th day of March, 1900. In Exhibit "E", affidavit by John Bigpond, age 35 years, sworn as shown by said Exhibit that Gussie Bigpond died on the 15th day of March, 1900; Exhibit "F" made by John Bigpond says that his affidavit marked Exhibit "E" was not explained to him, and that he denies making said affidavit, and as having been wrongfully interpreted to him, and that in place of making an affidavit that Gussie Bigpond died on the 15th day of March, 1900, was asked whether or not said child was living, and that it was not his intention to state that Gussie Bigpond died on the 15th day of March, 1900, and that said affidavit was sworn without his knowledge, and without being properly interpreted and explained to him.

The appellant further states that John H. Weeks, the Notary Public, before whom the affidavits, as shown by Exhibits "D" and "E", were made, is a citizen of the United States, and does not speak, read or write the Creek or Euchee language, and that Garfield Buell, and E. L. Cummings, the subscribing witnesses to the marks of Johnson and John Bigpond, in Exhibits "D" and "E", are citizens of the United States, and do not read, write or speak the Creek or Euchee language, and that John and Johnson Bigpond are Euchee Citizens of the Creek Nation, and do not read, write or speak the English language, and are known as full blood Indians, and never conversed in the English language, and together with these facts and the fact that Johnson Bigpond was not living with Gussie Bigpond from at the time of the death of Gussie Bigpond, and had not been for more than 1 1/2 years, and was living from 30 to 40 miles apart in different localities, and would therefore be unable

mistaken as to the death of Mrs. Gustie Bigpond.

The records of the United States Court at Muskogee, Western District of Indian Territory, show that on the 11th day of February, 1903, James M. Brown made application to be appointed administrator of the estate of Gustie Bigpond, and that letters of administration were issued to him on the 5th day of February, 1903.

It is a well founded principle of law that the Census Commission is not authorized by law to cancel or strike the name of any citizen from the rolls of any tribe of Indians.

SECONDLY: Were they clothed with power to strike the name of any citizen from the rolls, and those who shall constitute the rolls of citizen-ship and persons entitled to their citizen-ship either before they had been selected as a member of a tribe, or recognized as an enrolled citizen, or persons entitled to enrollment in any civilized tribe of Indians, it appears first that due notice would have to be presented to all parties interested or concerned, and then a reasonable cause or excuse rendered for their action in such cases.

On the contrary, Gustie Bigpond was a regularly admitted enrolled citizen of the Creek Nation, of the Indian Territory, and the testimony shows that she was upon the approved roll, and that a selection or allotment had been made to her, and that Johnson Bigpond and Lucy Bigpond Tom were not and had not been living together for more than 10 months prior to the date of the death of the child, Gustie Bigpond, and that the records further shows that Lucy Bigpond Tom had the care, custody and support of said child, and that she, Lucy Bigpond Tom was the proper and only person to whom notice should have been given, or upon whom notice should have been served, relative to the furnishing of any testimony that might be desired by the COMMISSION TO THE FIVE CIVILIZED TRIBES.

The records in this case shows that Lucy Bigpond Tom had no notice that additional evidence was required touching the rights of citizen-ship, from the COMMISSION TO THE FIVE CIVILIZED TRIBES, or from any other person or persons, whatever, and that until recently, December, 30th, 1904, she did not receive any notice that the COMMISSION

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TO THE FIVE CIVILIZED TRIBES desired additional testimony or testimony concerning the date of the death of Gussie Bigpond, her deceased daughter, and that she had received no notice or information of the action taken, or about to be taken by the COMMISSION TO THE FIVE CIVILIZED TRIBES in the cancellation of the allotment taken for her deceased daughter, Gussie Bigpond, or any notice of her having been stricken from the rolls of the Creek Nation, and that the information received is not such notice as is required by law.

The action of the COMMISSION and the authority assumed by them has been an ex-parte proceeding, and not founded upon law, and it is the prevailing opinion that in order to strike the name of a citizen from the rolls of any Indian tribe, proper notice should be given to all parties of interest, in this case, being the administrator, Samuel F. Brown, or the mother, Lucy Bigpond Tom.

Under Paragraph 1, Intituled "Application for Citizen-ship", Page 431 of Volume 3, of Federal Statutes Annotated, reads as follows:-

"That said Commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizen-ship in any of said Nations, and after such hearing they shall determine the right of such applicants to be so admitted and enrolled; Provided, however, that such application shall be made to such Commissioners within three months after the passage of this act. The said Commission shall decide all such applications within 90 days after the same shall be made. That in determining all such applications, said Commission shall respect all laws of the several Nations or Tribes now in consistent with the laws of the United States, and all Treaties with either of said Nations or Tribes, and shall give due force and effect to the rolls, usages and customs of each of said Nations or Tribes."

Under the 3rd. paragraph of same page and Volume, under the head of "Powers of Commission", reads as follows:-

"In the performance of such duties, said Commission shall have

power and authority to administer oaths to such persons, and to receive the attendance of witnesses, and to compel the production of books and documents and papers, and to take such action as may be necessary to carry out the purposes of this act.

now residing beyond the limits of said territory, and to the extent of the reasonable means within their power for the purpose of determining the rights of persons claiming such citizenship, or to protect any such Nation from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in such covered Indian

Under the 6th Paragraph, Page 47, of Volume 3, of Federal Statutes Annotated, under the head of "Rolls of Citizenship", reads as follows:

"Rolls of citizenship. Section. - Investigation of Indian Territory provided that the word 'Rolls of Citizenship' was used in the Act of June, 10th, 1898, making appropriations for current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with various Indian Tribes for the fiscal year ending June, 30th, 1899, shall be construed to mean the last authorized rolls of each tribe which have been approved by the Council of the Nation, and the records of the Government on such rolls, and such additional names and rolls dependent as having been subsequently added, either by the Council of such Nation, the duly authorized Board of Chiefs, or the Commission under the act of June, 10th, 1898. And all other names appearing upon such rolls shall be open to investigation by such Commission for a period of 4 months after the passage of this act. And any name appearing on such rolls and not confirmed by the act of June, 10th, 1898, as herein construed may be stricken therefrom by such Commission, and the party affected shall have 30 days previous notice that said Commission will investigate and determine the right of such party to be a citizen, and shall be a citizen of said Nation. Provided, also that any one, whose name shall be stricken from the roll by such Commission, shall have the right of appeal as provided in the act of June, 10th, 1898.

Under Section 3, of the act of June, 28, 1898, entitled, "An Act for the Protection of the People of the Indian Territory, and for other purposes," and on page 140 of Volume 2, of the Statutes at Large.

Jurisdiction of the United States Courts over controverted claims to member-ship -- judgment removing party, etc., That said Courts are hereby given jurisdiction in their respective districts to try cases against those who may claim to hold as members of a Tribe, whose member-ship is denied by the Tribe, but who continued to hold said lands and tenements, notwithstanding the objection of the Tribe; and if it be found upon trial that the same are held unlawfully against the Tribe by those claiming to be members thereof, and the member-ship and right are dis-allowed by the Commission to the Five Civilized Tribes, of the United States Court, and the judgment has become final, then said Court shall cause the parties charged with unlawfully holding said possessions to be removed from the same, and cause the lands and tenements to be restored to the person or persons or Nation or Tribe of Indians, entitled to the possession of the same.

GREEK TREATY:

"An act to ratify and confirm an agreement with the Muskogee or Creek Tribes of Indians, and for other purposes, approved August, 8, 1902;

Section 28 provides as follows:

ROLLS OF CITIZEN-SHIP.

"No person, except as herein provided shall be added to the rolls of Citizen-ship of said tribe after the date of this agreement, and no person whomsoever, shall be added to said rolls after the ratification of this agreement.

All citizens who were living on the first day of April, 1899, entitled to be enrolled under Section 21, of the act of congress approved June, 28, 1898, entitled "An act for the Protection of the people of the Indian Territory, and for other purposes" shall be placed upon the rolls to be made by said Commission under said act of congress, and if any such citizen has died since that time, or may hereafter die, before receiving his allotment of lands and distributive share of all

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the funds of the tribe, the lands and money to which he would be entitled, if living, shall descend to his heirs according to the laws of descent and distribution of the Creek Nation, and be allotted and distributed to them accordingly.

All children born to citizens so entitled to enrollment up to and including the first day of July, 1900, and then living, shall be placed on the rolls made by said Commission, and if any such child die after said date, the lands and moneys to which it would be entitled, if living, shall descend to its heirs according to the laws of descent and distribution of the Creek Nation, and be allotted and distributed to them accordingly.

The rolls so made by said Commission, when approved by the Secretary of the Interior, shall be the final roll of citizenship of said tribe, upon which the allotment of all lands, and the distribution of all moneys and other property of the tribe shall be made, and no other persons.

The records in this case shows that Lucy Bigpond Tom, nor the administrator, Samuel W. Brown have never received notice up to the time of filing this appeal, from the COMMISSION TO THE FIVE CIVILIZED TRIBES, and the striking of the name of Gussie Bigpond from the Creek Indian Roll, and the law governing an appeal from a decision of said COMMISSION, in which the time of an appeal shall be taken after due notice has been served, would not apply in this case, because of no notice.

The appellant further states that after receiving said allotment, for Gussie Bigpond, deceased, of 180 acres, in two tracts of 90 acres each, she let out said lands under five year improvement contracts, and has improvements thereon, and prays that Gussie Bigpond be restored to her citizenship, and that she be permitted to hold the lands formerly selected as the allotment of Gussie Bigpond, deceased, and that the parties permitted to file upon said lands since the name of Gussie Bigpond was struck from the roll, be notified thereof to give immediate possession, and that the COMMISSION TO THE FIVE CIVILIZED TRIBES, and the Principal Chief of the Creek Nation, Indian Territory,

be notified on the date of the receipt of this appeal that an appeal has been taken from the decision of the COMMISSION TO THE FIVE CIVILIZED TRIBES, and that certificate of allotment, and lands that may have been made to any person or persons for any part or portion of said allotment, be withheld or recalled pending this appeal.

WHEREFORE, The appellant, Lucy Bigpond Tom, mother and heir to the estate of Gussie Bigpond, deceased, prays an appeal from the decision of the COMMISSION TO THE FIVE CIVILIZED TRIBES to the Honorable Secretary of the Interior, and that the decision of the COMMISSION TO THE FIVE CIVILIZED TRIBES be set aside and the name of Gussie Bigpond restored upon the rolls as a citizen of the Creek Nation, Indian Territory, and that her heirs be possessed of the lands selected for Gussie Bigpond, deceased, as the approximate share of her (Gussie Bigpond) lands of the Creek Nation, Indian Territory, as unallotted and selected on the 15th day of October, 1898, and that said appeal has not been taken for delay, but that justice be had.

UNITED STATES OF AMERICA, WESTERN DISTRICT, INDIAN TERRITORY.

F. L. Mars, being first duly sworn states that he is one of the Attorneys of record in the above entitled cause, and that he believes the statements and representations made therein to be true.

Subscribed and sworn to before me this 3rd day of February, 1905.

My commission expires Aug 15 1907

For a copy of the report of the

Gen. J. W. Taylor, 1850, and that said report was not published

the Creek Nation, Indian Territory, as enrolled and selected on the

decree of the approximate sphere of the (Gusale, Tibong) lands of

that said being the possession of the lands selected for Gusale Tibong,

upon the rolls of a citizen of the Creek Nation, Indian Territory, and

CIVILIAN TRIBES as set aside and the name of Gusale Tibong Tibong

of the Interior, and that the decision of the Commission to the

of the Commission, and CIVILIAN TRIBES to the honorable Secretary

estate of Gusale Tibong, deceased, prove an error from the decision

the complaint, John Tibong Tibong, father and heir to the

and the same as the said Tibong Tibong, this appeal.

been made to any person or persons for the purpose of

claiming and that certified to the said Tibong Tibong, and that said Tibong

has taken upon him the decision of the Commission, and that CIVIL

be notified on the date of the receipt of this appeal, that an appeal

No. 3256.

Direct Indian
Hall.

Appeal.

By Lucy Beggs
Respondent

To
Secretary of the
Interior.

Gusale Tibong
Deceased.

Marshall
in Appealant.

Cr 1010

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Englee

IN RE

Application for Enrollment of

INFANT CHILD

Messie Begpout

as a citizen of

Nation.

Approved

October 19 1899

SIGNED

Miss Richy

Commissioner.

Notary Chairman

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Green Nation,
 of Lussie Bigpond born on the 15th day of May, 1899

Name of Father: Johnson Bigpond a citizen of the Green Nation.
 Name of Mother: Luey Bigpond a citizen of the Green Nation.
 Post-office Sapulpa, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY.

Northern District.

I, Johnson Bigpond, on oath state that I am 22
 years of age and a citizen, by blood, of the Green Nation;
 that I am the lawful husband of Luey Bigpond, who is a citizen, by
blood, of the Green Nation; that a female child was
 (Male or female)
 born to me on 10th day of May, 1899; that said child has been named
Lussie Bigpond, and is now living.

WITNESSES TO MARK:

(SIGNED) P. B. Hopkins

Must be Two
 Witnesses.

(SIGNED)

G. L. V. Emerson

Subscribed and sworn to before me this

(SIGNED)

Johnson Bigpond
Mark

19th day of October, 1899

(SIGNED)

James Bixby
Commissioner

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY.

Northern District.

I, Millie Tiger, a Creek Citizen, on oath state that I do
know Mrs. Luey Bigpond, wife of Johnson Bigpond, that
 on the 15th day of May, 1899; that there was born to her on said
 date a female child; that said child is now living and is said to have been named
 (MALE OR FEMALE)
Lussie Bigpond

WITNESSES TO MARK:

(SIGNED)

P. B. Hopkins

Must be Two
 Witnesses.

(SIGNED)

G. L. V. Emerson

Subscribed and sworn to before me this

(SIGNED)

Millie Tiger
Mark

19th day of October, 1899

(SIGNED)

James Bixby
Commissioner

NOTARY PUBLIC.

United States of America,)
Western District,) SS
Indian Territory,)

Sapulpa, Indian Territory.
February, 21st. 1905.

Samuel W. Brown, being first duly sworn,

states that he is a citizen of the Creek Nation, Indian Territory, and has resided in the Creek Nation, Indian Territory all of his life; that he has been the King of the Euchee Tribe or Creek Indians for more than 25 years, and has looked after their interests as such, and is also personally acquainted with each member of said tribe, knowing personally each member of majority of the families.

Affiant further states that he is personally acquainted with Johnson Bigpond and Lucy Bigpond Tom, and has known them since they were children, and that he knew them at the time they began living together as husband and wife under the Creek laws, and that he knew and was personally acquainted with Gussie Bigpond, the deceased daughter of Johnson Bigpond and Lucy Bigpond Tom, and that prior to the death of Gussie Bigpond, and the early part of the year 1899, they separated, and Lucy Bigpond Tom was living with her mother and father near Kelleyville, Indian Territory, and that Johnson Bigpond was residing near Bixby, Indian Territory, and that they have lived separate and apart to this day, and that in the early part of the year 1901, Lucy Bigpond married Euchee Tom; that affiant knows of his own knowledge that Gussie Bigpond, deceased, died in the latter part of the year 1900; and that on the 5th. day of February, 1903, he was appointed administrator of said estate by the United States Court for the Western District, Indian Territory, at Sapulpa, and that he is now the administrator of said estate; that in the latter part of the year, 1904, he was informed that the Commission to the Five Civilized Tribes was about to strike the name of Gussie Bigpond from the Creek Roll, and that he never received any official notice from the Commission to the Five Civilized Tribes of their action in striking the name of Gussie Bigpond from the Creek Roll, and that he never received any notice from said Commission that they desired additional testimony concerning the proof of the death of Gussie Bigpond, or in any way touching her rights of citizen-ship.

The affiant further states that Lucy Bigpond Tom has never received any official notice or demand from the Commission to the Five Civilized Tribes requiring her to furnish any additional testimony to the best of his knowledge and belief, and that he as administrator of said estate never received any such notice.

The affiant further states that he is personally acquainted with one John Bigpond, and that he is a full blood Creek Citizen, and does not read, write or speak the English language, and that affiant has been the principal interpreter for said John Bigpond for a number of years, and that he had a conversation with John Bigpond concerning the death of Gussie Bigpond, and also concerning an affidavit made before John M. Weeks, a Notary Public on the 15th. day of February, 1904, and that affiant asked John Bigpond in the presence of a number of witnesses whether or not he made the affidavit on the 15th. day of February, 1904, in which he stated that Gussie Bigpond was not living in July of 1900, and that John Bigpond stated that he did not mean to make such an affidavit, and that if the affidavit states that Gussie Bigpond was not living in July, 1900, the same was not correctly interpreted to him, and that it was not his intention to make such an affidavit.

The affiant further states that Lucy Bigpond Tom had the care, custody and support of Gussie Bigpond during her life time, and paid the expenses of her last sickness, that he knew the father and mother of Gussie Bigpond all the while personally, and knows the statements made within this affidavit to be true and correct, and that he is not related to either of said parties, and has no interests either directly or indirectly in the matter, except that it is not his desire to see said parties wronged in that that they are full blood Creek Citizens, and cannot read, write or speak the English language, and that he is their townsman, and that it is his moral duty and obligation to assist them in their claims of right for citizen-ship, and in matters Before the Interior Department..

The affiant further sayeth not.

Subscribed and sworn to before me on this the 18th day of March, 1905.

My commission expires May 1st 1908

James S. Warr
Notary Public.

United States of America,)
Western District,) SS
Indian Territory,)

Sapulpa, Indian Territory.
February, 20th. 1905.

George P. Sanger, of lawful age, being
duly sworn, states that he is a resident of Sapulpa, Western District,
Indian Territory, and has resided in Sapulpa and immediate vicinities
for the past 22 years, and that he is acquainted with one Johnson
Bigpond and Lucy Bigpond, Tom, and was acquainted with Johnson Bigpond
and Lucy Bigpond Tom at the time they were living together as husband
and wife in the year 1898 and the spring of 1899, and that he knew
Gussie Bigpond, daughter of the said Johnson Bigpond and Lucy Bigpond
Tom, and knew that Gussie Bigpond was living somewhere from the 1st.
to the 10th. of July, of 1900, and saw her; and that he has heard a
number of persons state that Gussie Bigpond died in the latter part
of the year, 1900, and that he knows of his own knowledge that the said
Johnson Bigpond deserted his wife in the early part of the year 1899
prior to the birth of the child, Gussie Bigpond, and that Lucy Bigpond
Tom, the mother of Gussie Bigpond went to the home of her mother and
father near Kelleyville, and resided there sometime after the death of
Gussie Bigpond, and until she married Euchee Tom.

The affiant further states that he is not related to or kin to
either of said parties, and that he bears no interest in said matter
whatever, except that he had a lease contract for a part of the allot-
ment of Gussie Bigpond, near Bixby, Indian Territory, and that said
lease contract was taken in the year 1899, and that he had had possession
of the lands and owned the improvements thereon prior to the time that
Johnson Bigpond, father of Gussie Bigpond filed upon said lands on the
19th. day of October, 1899, at Okmulgee, Indian Territory, and that
affiant made arrangements with the allottee's father, and mother
Johnson Bigpond
and Lucy Bigpond Tom, to file Gussie Bigpond upon said land, and that
affiant also filed Johnson Bigpond and Lucy Bigpond Tom upon the lands
selected for their allotments, and that he paid the rents to them each
year, and that for the year 1900, after Lucy Bigpond Tom and Johnson
Bigpond separated, he transacted all of his business for the allotment

(2)

of Gussie Bigpond with Lucy Bigpond Tom prior to the death of Gussie Bigpond, and after the death of Gussie Bigpond, affiant transacted and paid the rents for said land to Lucy Bigpond Tom and Samuel W. Brown, the administrator of the estate of Gussie Bigpond.

The affiant further states that he has had no notice of the land being declared vacant and the name of Gussie Bigpond stricken from the Creek Roll, except by information through Mollie Tate, who is now considered the present allottee of said land, who informed him about the 10th. day of December, 1904, that she was going to file upon said land, and that he had a conversation with Lucy Bigpond Tom, mother of Gussie Bigpond, deceased, the latter part of December, 1904, informing her that he had received information that the land was vacant and subject to allotment, and Lucy Bigpond Tom informed him that she had not received any information whatever of the name of her daughter being stricken from the Creek Roll, or that her allotment had been cancelled.

The affiant further sayeth not.

Subscribed and sworn to before me this 20th day of February, A. D. 1905.

George P. Sanger

James L. Mars
Notary Public.



UNITED STATES OF AMERICA,)
WESTERN DISTRICT,)SS
INDIAN TERRITORY,)

Conzie Tiger, of lawful age being first
duly sworn upon his oath according to law, states that his post-office
address is Sapulpa, Creek Nation, Indian Territory, and that he is
acquainted with Daniel Bigpond and John Bigpond, and that on the
15th. day of February., 1904, he was present in the office of
J. M. Weeks, a Notary Public, in the town of Sapulpa, Indian Territory,
and says that he heard John Bigpond make a statement before the
Notary Public, which was interpreted by Daniel Bigpond,
concerning the
birth of Gussie Bigpond, and says that there was only one question
asked John Bigpond, which he was asked to be sworn to before the
Notary Public, and that was: "Was Gussie Bigpond living in October,
1899?", and that John Bigpond signed the affidavit before the
Notary Public as interpreted by Daniel Bigpond,
in which he stated that
he was acquainted with Gussie Bigpond, and that she was living in
October, 1899.

The affiant further sayeth not.

Subscribed and sworn to before me this 18th. day of November, 1904.

My commission expires

UNITED STATES OF AMERICA,)
WESTERN DISTRICT,) SS
INDIAN TERRITORY,)

John Bigpond, of lawful age being first

duly sworn upon his oath according to law, states that his post-office address is Halls Station, Creek Nation, Indian Territory, and that he is acquainted with Daniel Bigpond and Lucy Bigpond, or Lucy Wa-nar-kee, that the said Lucy Bigpond was his daughter-in-law, who married his son, Johnson Bigpond, and that there was born to them one child, Gussie Bigpond in the year of 1899; that he knew said child and furnished clothing for it, and that he knew it at the time it appeared before the Dawes Commission, at Okmulgee in October, 1899, and was then living.

The affiant states that he is informed that there is on file with the Dawes Commission, an affidavit, pretended to have been signed by him, and sworn to before J. M. Weeks, a Notary Public in Sapulpa, on the 15th day of February, 1904, and that Daniel Bigpond was the interpreter, and stated that he was asked whether or not the child was living in October, 1899, and he said that it was, and that that was the only question asked him, and that was what he understood he was swearing to at the time he made that affidavit. He says that he did not swear and was not asked to be sworn to any other question than this (was the child living in October, 1899), and that all other matters concerning the birth and death of Gussie Bigpond set out in that affidavit, it was done without his knowledge, and the same was false and untrue, and that the affidavit was not explained to him.

with his mark! -
J. M. Weeks, Subvorn

Subscribed and sworn to before me this the 18th. day of November, 1904.

Hia
John x Bigpond
mark

James J. Weeks
Notary Public.

My commission expires _____.

CCX

Gr. I. 1010.

Muskegee, Indian Territory, November 24, 1903.

Johnson Bigpond,

Sapulpa, Indian Territory.

Dear Sir:

The Commission is in possession of evidence showing that your daughter, Gussie Bigpond, is dead. Information is now desired as to the date of the death, and for this purpose there is herewith enclosed blank form of affidavit which must be carefully filled out and executed before a Notary Public by you and one other person who knows the date of her death and returned to the Commission in the enclosed envelope which requires no postage.

Respectfully,

Chairman.

D.C.I.

Copy

2813

C. 1010.

Muskogee, Indian Territory, February 13, 1904.

J. J. Jones,

Sapulpa, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 8, in which it is stated that you desire certain information concerning Gussie Bigpond, deceased, to be used in the matter of having an administrator appointed.

You are advised that on February 11, 1904, replying to a communication from Johnson Bigpond, at Sapulpa, Indian Territory, the Commission furnished him blank form of death affidavit and directed him to have it properly filled out and duly executed, and return to this office. Pending the receipt of the evidence required, the Commission declines to furnish the information desired.

Respectfully,

Commissioner in Charge.

Copy

8813

Muskogee, Indian Territory, March 4, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

October 19, 1899, Johnson Bigpond, father of Gussie Bigpond, filed with the Commission an affidavit from which it appears that said Gussie Bigpond was born May 15, 1899, and her name is contained in the partial list of Creek citizens by blood approved March 13, 1902, number 3256.

March 4, 1904, an affidavit, executed by said Johnson Bigpond, was filed, from which it appears that his said minor child died March 15, 1900.

In view of said affidavits, it is respectfully recommended that the name of said Gussie Bigpond be stricken from said approved roll.

Said affidavits are herewith inclosed for Departmental consideration.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

OCH-341.

Creek I. 1010.

Muskogee, Indian Territory, February 8, 1906.

The Honorable,
The Secretary of the Interior,

Sir:

In accordance with Departmental instructions of March 19, 1904 (I.T.D. 2304-1904), the name of Gussie Bigpond, opposite approved roll, number 3256, was stricken from the partial list of citizens by blood of the Creek Nation, approved March 13, 1902.

There is herewith transmitted a motion filed by Mars & Mars, attorneys for Lucy Bigpond Tom, to reopen the matter of the enrollment of Gussie Bigpond, deceased.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

XIP 1-8-2.

Refer in reply to the following
Land
11838-1908

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS
WASHINGTON, February 20, 1908

The Honorable

The Secretary of the Interior

Sir:

Your attention is respectfully invited to letter of the Chairman of the Commission to the Five Civilized Tribes of the 8th instant stating that, in accordance with Departmental instructions of March 19, 1904, (I.T.D.2306-1904), the name of Gussie Bigpond, opposite approved roll No. 3286, was stricken from the partial list of citizens by blood of the Creek Nation approved March 13, 1902.

There is now transmitted a motion filed by Messrs. Mars & Mars, attorneys for Lucy Bigpond Tom, to reopen the matter of the enrollment of Gussie Bigpond, deceased.

The showing made in behalf of the applicant for reopening is to the effect that Johnson Bigpond, who furnished the original proof upon which the name was stricken from the roll, was the husband of Gussie Bigpond, deceased, and the father of her child, Gussie Bigpond. He separated from his wife before the birth of the child and never subsequently lived with her; his knowledge of the date of her death being merely hearsay. It is now shown that witnesses who were present at the date of the birth of Gussie Bigpond the younger, and at the date of the death of Gussie Bigpond the mother, will fix the date of the birth of the child and the

death of the mother at altogether different times from those testified to by Johnson Biggend, the difference in date very materially affecting the right of enrollment of Eunice Biggend the child. The showing is of such a character as to, in my judgment, justify a reopening of the case, and I therefore recommend that this action be taken.

Very respectfully,

C.F. Larrabee
Acting Commissioner

LRS

WCB
SHZ

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 1906-1905

February 22, 1905

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 8, 1905, you transmitted a motion filed by Messrs Mars & Mars, Sapulpa, Indian Territory, requesting that the matter of the enrollment of Gussie Bigpond, now deceased, as a citizen by blood of the Creek Nation, be reopened.

It appears that the name of Gussie Bigpond was placed opposite No. 3256 on the partial list of citizens by blood of the Creek Nation approved by the Department March 13, 1902; that in accordance with departmental instructions of March 19, 1904, her name was stricken from said approved roll.

It appears from the motion filed by said attorneys, and the affidavits submitted therewith, that said Gussie Bigpond was born during the month of May 1890, and that she died during the month of November 1900. It appears from the evidence submitted in support of the motion for rehearing that the applicant should be given an opportunity to submit further testimony relative to the right of said Gussie Bigpond to be placed upon said roll. You will therefore notify the parties in interest and allow them a reasonable time within which to submit any testimony they may desire. You will then transmit the same to the Department with your recommendation as to whether the name of the applicant should be placed upon the approved roll.

The motion and papers received therewith are inclosed, together with a copy of Indian Office letter of February 20, 1905, transmitting your report.

Respectfully,

Thos Ryan
Acting Secretary

2 inclosures

INDEXED

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
		Book	Page
12073 1905	MAR 14 1905		

Mars & Mars,
Sapulpa, I.T.,
Creek Nation,
March 13, 1905.

Transmit affidavits supporting
appeal in case of Gussie
Bigpond. Ask that they be
filed in said case.

CREEK ENROLLMENT

FRANKLIN L. MARS

JAMES J. MARS

MARS & MARS.

LAWYERS.

STENOGRAPHER AND NOTARY PUBLIC IN OFFICE

SAPULPA.

IND. TER.

March, 13th. 1905.

The Dawes Commission,

Muskogee, I. T.

Gentlemen:-

I herewith enclose you affidavits supporting the appeal in the case of Gussie Bigpond, and ask that you place these affidavits with the petition and brief filed in this case, and acknowledge receipt of the same to this effect.

Yours respectfully,

FLM/VEH

Mark J. Mars

Ok 22 2003

Muskogee, Indian Territory, May 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

March 4, 1904, the Commission transmitted to the Department an affidavit executed by Johnson Bigpond relative to the date of death of his minor child, Gussie Bigpond, and recommended that the name of said Gussie Bigpond be stricken from the approved roll of citizens by blood of the Creek Nation, opposite No. 3256.

March 19, 1904 (I.T.D. 2306-1904,) the Department authorized the Commission to strike the name of said Gussie Bigpond (deceased) from said approved roll.

February 28, 1906, the Department, on motion of Mars & Mars, attorneys for Lucy Bigpond Tom, reopened the matter of the right to enrollment of said Gussie Bigpond (deceased).

In the testimony taken in the rehearing of said case, the execution of said affidavit of Johnson Bigpond relating to the death of said Gussie Bigpond has been denied, and it has become necessary, in order to determine its authenticity, that said affidavit should be in the possession of the Commission.

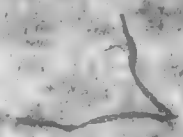
Secretary 2.

It is, therefore, respectfully requested that the Department return said affidavit and authorize the Commission to make same a part of the record in the matter of the right to enrollment of said Gusnie Bigpond deceased.

Respectfully,

Chairman,

Through the
Commissioner of Indian Affairs.



Refer to reply to the following:

Land

37630-1808

326
Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. May 24, 1908.

The Commission to the
Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Replying to your communication of May 13, 1908,
there is enclosed herewith, an affidavit by Johnson Bigpond rel-
ative to the date of death of his minor child Gussie Bigpond.

Very respectfully,

C. Harral.

Acting Commissioner.

VCE

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INDEXED

COMMISSIONED TO FIVE TIMES.

No.	6848
Received	MAY 29 1905
By	
P.T.	

Department of the Interior

OFFICE OF INDIAN AFFAIRS

May 24, 1905.

WASHINGTON.

affidavit relative
to date of death of
as Beyond.

Indian Office,
Tarrabee,
Washington, D.C.,
May 24, 1905

The Commission to the

Five Civilized Tribes,

Mustache, I. T.

Gentlemen:

Replying to your communication of May 13, 1905,
there is enclosed herewith an affidavit by Johnson Bigham rel-
ative to the date of death of his minor child Gustie Bigham.

Very respectfully,

[Signature]
Acting Commissioner.

WCB

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✓
Gr. Ex. 909.

Muskogee, Indian Territory, June 20, 1905.

Mrs. & Mrs.

Sapulpa, Indian Territory.

Gentlemen:

You are hereby notified that the date and place for taking testimony in the rehearing of the Gussie Bigpond case have been changed from June 30, 1905, at Muskogee, Indian Territory, to July 10, 1905, at Sapulpa, Indian Territory.

Respectfully,

Chairman.

RECEIVED:
TAMM HENRY,
THOMAS B. NEEDLES,
C. B. BRICKENRIDGE.

WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NOTE IN REPLY TO THE FOLLOWING:

Cr. En. 909.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 20, 1905.

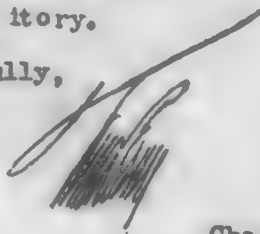
Johnson Bigpond,

Kelleyville, Indian Territory.

Dear Sir:

You are hereby notified that the date and place for taking testimony in the rehearing of the Gussie Bigpond case have been changed from June 30, 1905, at Muskogee, Indian Territory, to July 10, 1905, at Sapulpa, Indian Territory.

Respectfully,



Chairman.

H. L. H.

COMMISSIONERS:
TAMM HENRY,
THOMAS B. NEEDLES,
C. A. BRICKERIDGE.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

COVER IN REPLY TO THE FOLLOWING

Cr.En. 909.

W. C. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 30, 1905.

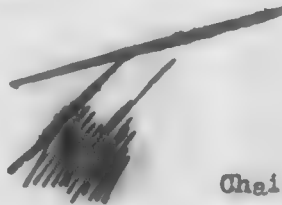
Lucy Bigpond Tom,

Kelleyville, Indian Territory.

Dear Madam:

You are hereby notified that the date and place for taking testimony in the rehearing of the Gussie Bigpond case have been changed from June 30, 1905, at Muskogee, Indian Territory, to July 10, 1905., at Sapulpa, Indian Territory.

Respectfully,



Chairman.

Cr. En. 909.

I believe the recommendation of this office made to the Department in letter attached, eminently correct.

The record fails to show, however, that the attorney for applicant was notified that further proceedings in this case should be had on August 18, 1905. I understand the record can be made to show this, and as the testimony taken on that date is very material, I believe record should be so amended.

Another point evidently overlooked by Mr. Donovan, in his preparation of attached letter, is this: The burden of proof is on the applicant to show, by satisfactory evidence, that Gussie Bigpond was living on April 1, 1899, or July 1, 1900, failing in this she should be denied. We have a long line of Departmental rulings to this effect in the Cherokee Division.

1/13, 1906.

OK. *[Signature]*

A. J. M.

C- 2- 969
S. D.
Muskogee, Ok. January 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

February 28, 1905 (I.T.D. 1905-1906), the Department, on motion of Messrs. Mars & Mars, attorneys for Lucy Bigpond Tom, reopened the matter of the enrollment of Gussie Bigpond (deceased), whose name was, on March 19, 1904, stricken by the Department (I.T.D. 2306-1904), from the partial roll of citizens by blood of the Creek Nation approved March 13, 1902, opposite No. 3256, where it formerly stood.

March 20, 1905, Johnson Bigpond and Lucy Bigpond Tom, the parents of said Gussie Bigpond (deceased), Mars & Mars, attorneys for Lucy Bigpond Tom, and M. L. Mott, attorney for the Creek Nation were advised of the action of the Department and were notified that the case was set for rehearing May 4, 1905, at the office of the Commission to the Five Civilized Tribes, in Muskogee, Indian Territory. On the day set, Lucy Bigpond Tom and Johnson Bigpond appeared in person and by attorney and submitted evidence in the case. The Creek Nation was represented at the hearing by attorney. Further proceedings were had May 12, June 6, July

Secretary 2.

10, July 11, July 27, August 17 and August 18, 1905.

The chief witnesses for the applicant were Johnson Bigpond, Lucy Bigpond Tom and Tah pan fah. It was on the affidavit of Johnson Bigpond, executed October 19, 1899, that Gussie Bigpond was originally enrolled. That affidavit stated that Gussie Bigpond was born May 10, 1899, and that she was then living. Before the deeds were issued for lands in the Creek Nation allotted to said Gussie Bigpond, it was noticed that no proof was on file that said allottee was living July 1, 1900. February 6, 1904, a letter purporting to be from Johnson Bigpond asking to be advised as to what he should do to straighten out the matter of the enrollment of his child, Gussie Bigpond, was received by the Commission to the Five Civilized Tribes. In reply to said letter Johnson Bigpond was, on February 11, 1904, advised that the Commission had been informed that Gussie Bigpond was dead and that proof of her death was desired. A blank form of death affidavit was enclosed. March 4, 1904, there were filed with said Commission the affidavits of Johnson Bigpond and John Bigpond to the effect that Gussie Bigpond died March 15, 1900. It then appearing from the evidence that Gussie Bigpond was born subsequent to April 1, 1899, and that she died prior to July 1, 1900, her name was, under authority from the Department, stricken from the roll.

Secretary 3.

February 13, 1902, Johnson Bigpond testified before the Creek Land Office that Gussie Bigpond was born prior to April 1, 1899, was living on that date, and that she died subsequent thereto. This discrepancy appears to have been overlooked, for no efforts were made at that time to ascertain which of the dates given was the correct one.

In his testimony taken at the rehearing of the case, Johnson swears that he did not know the contents of the affidavit about the death of Gussie Bigpond, and that he understood that he was swearing that Gussie Bigpond was entitled to an allotment. His testimony is corroborated by John Bigpond. On this point, however, John and Johnson Bigpond are flatly contradicted by J. J. Jones, an attorney who prepared the affidavits, by R. L. Cummings, a subscribing witness, and by John M. Weeks, the notary public by whom the affiants were sworn. From the testimony of these three witnesses it appears that great care was used by Mr. Jones in preparing the affidavits, and by Mr. Weeks in ascertaining that the facts stated therein were those to which the affiants wished to be sworn.

It is therefore reasonable to presume that while John and Johnson Bigpond may not have intended to swear that Gussie Bigpond

Secretary 4.

was not entitled to enrollment, yet they did intend to swear, and they did knowingly swear that she died March 15, 1900.

In his testimony at the rehearing Johnson Bigpond stated that Gussie Bigpond was born in May of the year the Creek Land Office opened; that he filed for her in October, and that she died in the Fall of next year. Whether true or untrue, this is apparently the story agreed upon by the witnesses on behalf of the applicant. In the effort to either corroborate or disprove the story, Johnson was carefully examined. In the course of his testimony he stated that Gussie was born one month after he separated from Lucy; that he did not separate from Lucy until Gussie was nine months old; that Gussie was born two months after he separated from Lucy, that Gussie died two months and 24 days after he separated from Lucy; that Gussie died one year and 24 days after he filed for her; that Gussie died 24 days after he filed for her; that Gussie died nine months after he filed for her; that Gussie was one year and 24 days old when he filed for her; that Gussie was one year and 24 days old when she died. He also states that he separated from Lucy because her father objected to his filing for Lucy and Gussie. The sum of his own testimony and the testimony of the other witnesses is that Johnson and Lucy separated before Gussie was born, and that the filing did not take place until long after the child's

Secretary 8.

birth. This story of the cause of the separation is obviously untrue, and was, in all probability, prepared for the purpose of making it appear that Gussie was living at the time he filed for her. The one statement in his testimony that can implicitly be relied upon is that he knows nothing whatever about dates or the months of the year.

Lucy Bigpond Tom, the mother of Gussie Bigpond, testified that Gussie was born May 10 the year of the filing (1899), and that she died about two years later; that Gussie was born about two months after she and Johnson separated; that she separated from Johnson because he took her home and left her; that Gussie died more than two years before her child, Louanna Tom, was born; that she married Buckee Tom when Louanna was about one year old (the marriage certificate shows that Lucy married Buckee Tom in November, 1902); that she was positive that Gussie died as much as two years before Louanna was born; that her mother, Fah pan fah, attended as midwife. When asked by her attorney if Gussie died one year before Louanna was born, she answered, "Yes."

At a later hearing of the case, Lucy testified that Louanna was only four months old when she married Buckee Tom, and denied that she had said that Louanna was a year old at that time.

Secretary 6.

She also stated that she knew nothing about dates, and that she did not even know the difference between 1895 and 1905. In an affidavit executed August 22, 1902, before F. L. Mars, notary public, her attorney in this case, Lucy swore that Gussie Bigpond was born to her on the 15th day of February, 189____. "She further states that she was all alone on the date of the birth of said child." The last figure of the year is left blank in both the caption and body of the affidavit, and the statement about the midwife is added to the form with pen and ink. In an affidavit executed before F. L. Mars, March 17, 1902, Lucy Tom and Wannie Littlehead swear that Gussie Bigpond died January 17, 1900. These affidavits did not come into possession of this Office until July 10, 1903.

On November 23, 1903, Lucy Tom testified in the case of Louanna Tom that said Louanna Tom was then two years old and going on three. March 14, 1904, in the same case, Lucy testified that Louanna was then three years old, and that Gussie Bigpond died four years before Louanna was born. March 22, 1905, Lucy testified that Louanna was born March 5, 1901, and in an affidavit executed February 3, 1903, she states that Louanna was born February 1, 1901.

Secretary 7.

Tah pan fah, the mother of Lucy Tom, testified that Gussie Bigpond was born May 10; that she does not know what year it was; that it might be three years ago, and it might be four; that Gussie died about three years before Louanna was born; that it might have been four years before Louanna was born; that she is positive that it is as much as two years; that Lucy married Euche Tom about one year after her separation from Johnson; that Lucy married Euche Tom two years after the separation; that Gussie lived about two years and that she died the month before Christmas; that Lucy married Euche Tom about a year after Gussie died.

In the case of Louanna Tom, Tah pan fah testified on March 15, 1904, that Louanna Tom was then three years old, and that Gussie died two years before Louanna was born.

Euche Tom, the present husband of Lucy, testified that his child, Louanna Tom, was born in March, about one year before he married Lucy; that Gussie Bigpond died about two years before Louanna was born; that Louanna was born one year after, and that Gussie died one year before he began to live with Lucy.

In the case of Louanna Tom, Euche Tom testified on March 15, 1904, that he had been married to Lucy four years, nearly five years; that he was married to Lucy before Louanna was born

Secretary 8.

and that Louanna was born after he filed for his sister, Billie Warnerke. (March 13, 1902.)

Samuel W. Brown testified that he saw Gussie Bigpond in the month of July, 1900; that he does not remember having seen the child either before or after that date.

George W. Sanger swears that he saw Gussie at a green corn dance in July, 1900, which he attended for the purpose of selling sewing machines and collecting on those he had previously sold.

Gensie Tiger and Jeannette Tiger also testified to having seen Gussie Bigpond at a green corn dance in 1900.

J. J. Jones swears that he spoke to Gensie Tiger a few minutes before the latter was called to the stand and that Gensie told him that he knew nothing about the case.

Scott Hofine testified that Jeannette Tiger came to his house to borrow a buggy; that he had asked her what she wanted it for and that she replied that Sam Brown wanted her as a witness in the Gussie Bigpond case; that she did not know anything about the case, but that the old man (Sam Brown) wanted her to help him out.

Against the testimony above set out is that of Olive Robbins and Scott Hofine, apparently intelligent white people, Larry Brown, Albert Big Mosquite and Jumbo Tiger.

Secretary 9.

Olive Robbins testified that she returned the 15th of May, 1897, from California, where she had gone to doctor her sister; that Gussie Bigpond was born the following June and that the child died the next May.

Larry Brown stated that Gussie Bigpond was born July, 1897, and that she lived about ten months; that Gussie died three or four months before his child, Bonnie Brown, was born. The records of this Office show that said Bonnie Brown was born September 18, 1898.

Albert Big Mosquito testified that Gussie Bigpond was born in 1897, and that she died about one year later, in 1898; that she died long before he filed. The records of this Office show that Albert Big Mosquito filed on his land June 29, 1899.

Jumbo Tiger stated that he did not remember the year that Gussie was born, but that she was born before the birth of his own child, Jim Tiger, and that she died in 1898, two years before Jim Tiger died. The records of this Office show that Jim Tiger, child of Jumbo Tiger, was born in the month of November, 1897, and that he died March 14, 1900.

Scott Hefine testified that Gussie Bigpond was born about June 10, 1897; that the last time he saw her was in the spring of 1898; that she died in 1898.

Charles Clayton testified that he lived near Lucy since the birth of his own child; that his child was six years old in August, 1905, and that Lucy was living with Euehoe Tom at the time his child was born.

The testimony being thus irreconcilable, it becomes necessary, in order to arrive at the truth of the matter, to find some valid reason for eliminating as unworthy of consideration the testimony of one or the other of the two sets of witnesses. Nor is it possible to consider the testimony of any individual witness other than as a part of the mass of testimony to which it belongs, and which must stand or fall with the whole.

Lucy Bigpond Tom and Tah pan lah, in their testimony taken in the years 1903, 1904 and 1905, fixed the date of the birth of Louanna Tom at prior to May 25, in the year 1901. They stated variously that Gussie Bigpond died two, three and four years before the birth of Louanna Tom. At the time this testimony was taken Louanna Tom must have been living May 25, 1901, in order to be entitled to enrollment. In the first testimony given above in the Gussie Bigpond hearing, they corroborated their testimony in the Louanna Tom case. Being recalled by their attorney after a recess they endeavored to show that Louanna was born in 1902, and that Gussie Bigpond died less than two years before Louanna

was born. In the interim between the hearings in the Louanna Tom case and the Gusnie Higpond case, the act of Congress of March 3, 1905, made it no longer necessary for Louanna, who is now living, to have been born prior to May 26, 1901. In the testimony of both Lucy and Tah pan fah they swear that Tah pan fah acted as mid-wife at Gusnie's birth, and that Gusnie was born in May of the year the land office opened. In her affidavit of August, 1900, Lucy swore that "she was all alone on the date of the birth of said child." She also states in that affidavit that Gusnie Higpond was born February 17, 189____. F. L. Marx, her attorney, the notary before whom the affidavit was made, testified that he always used great care in having the contents of affidavits interpreted to affiants and in making sure that they understood what they were swearing to. In her testimony Lucy swears that Gusnie died in the Fall; in her affidavit before Mr. Marx, dated March 17, 1900, she swears that the child died in January, 1900.

The testimony of Johnson Higpond is too conflicting to be explained entirely on the theory that he is ignorant of dates, and his statement that he separated from Lucy because her father objected to his filing for the mother and child is obviously an untruth, told for the purpose of making it appear that Gusnie was living at the time he filed for her.

Secretary 12

The testimony of Oonsie Tiger and Jennetta Tiger that they saw Gussie in July, 1900, is weakened by their statements made shortly before giving said testimony that they knew nothing whatever about the case.

The testimony of Olive Robbins, Larry Brown, Jumbo Tiger and Albert Big Mosquito that Gussie Bigpond was born in 1897 and that she died in 1898 is clear, concise and to the point. It is corroborated by the statements of Lucy Tom and of Tah pan fah that Gussie Bigpond died three or four years before Louanna Tom was born in the Spring of 1901.

I am, therefore, of the opinion that the weight of the evidence shows that Gussie Bigpond died prior to April 1, 1899, and I have the honor to respectfully recommend that the action of the Department of March 19, 1904, in striking her name from the approved roll of citizens by blood of the Creek Nation, opposite No. 5266 be allowed to stand.

The record in the case is herewith enclosed for Departmental consideration.

Respectfully,

Through the
Commissioner of Indian Affairs.

JYN-H-51

Commissioner.

Muskogee, Indian Territory, May 24, 1906.

J. J. Jones,

Sapulpa, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of May 16, 1906, in reference to an application made by Messrs. Mars & Mars, attorneys at law, to have restored to the Creek roll the name of Gussie Bigpond. You state that a great many affidavits were filed in this case, made by fullblood Indians, some of whom were put upon the stand and that none of said witnesses corroborated what they were made to swear to in the affidavits. You further state that parties interested in the land involved in this controversy think somebody ought to be prosecuted for perjury and subornation of perjury and request that this office refer the matter to the district attorney.

In reply you are advised that on February 28, 1906, the Department reopened the matter of the enrollment

-2-

of Gussie Bigpond, deceased, whose name was on March 19, 1904, stricken by the Department from the partial roll of citizens by blood of the Creek Nation. The evidence submitted and testimony taken on various dates, together with report in this matter, were, on January 19, 1906, transmitted to the Secretary of the Interior for his consideration.

It is suggested that as this matter is now before the Secretary of the Interior, a question of perjury on the part of witnesses who testified therein might more properly be referred to the Department for such consideration as might be deemed proper.

Respectfully,

Acting Commissioner.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON.

L&D
9292-1906
43388-1906
43612-1906
58670-1906
93385-1906
13154-1907.

February 15, 1907.

COPY.

The Honorable,
The Secretary of the Interior.

Sir:

On February 28, 1905, (I.T.D. 1906), the Department on motion of Messrs. Mars & Mars, attorneys for Lucy Bigpond, Tom, reopened the matter of the enrollment of Gussie Bigpond, deceased, whose name was on March 19, 1904 (I.T.D. 2306) stricken by the Department from the partial roll of citizens by blood of the Creek Nation, approved March 3, 1902, opposite No. 3256.

There is enclosed report of the Commissioner to the Five Civilized Tribes, dated January 19, 1906, in which he says that on March 20, 1905, Johnson Bigpond and Lucy Bigpond Tom, the parents of Gussie Bigpond, deceased, Mars & Mars, attorneys for Lucy Bigpond Tom, and M.L. Mott, attorney for the Creek Nation, were advised of the action of the Department, and were notified that the case was set for rehearing on May 4, 1905, at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory. On May 4, 1905, Lucy Bigpond Tom and Johnson Bigpond appeared in person and by attorney, and submitted evidence in the case. The Creek Nation was represented at the hearing by attorney. Further proceedings were had on May 12, June 6, July 10, 11, and 27, August 17, and 18, 1905.

While the evidence in this case is irreconcilable and hopelessly conflicting, the weight of the evidence shows that Gussie Bigpond died prior to April 1, 1899, and by reason of the provisions of Section 28 of the Act of Congress approved March 1, 1901, (31 Stat.L., 861), the office concurs in the recommendation of the Commissioner to the Five Civilized Tribes that the action of the Department of March 19, 1904, (I.T.D. 2306), in striking the name of Gussie Bigpond from the approved roll of citizens by blood of the Creek Nation be sustained.

The record in the case is enclosed.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

KEM-LC

DEPARTMENT OF THE INTERIOR
WASHINGTON.

CRW

SP

I.T.D.3956-1907.

March 4, 1907.

LRS. DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

February 16, 1907, the Indian Office transmitted the papers in the matter of the enrolment of Gussie Bigpond, deceased, whose name was on March 19, 1904, stricken by the Department from the partial roll of citizens by blood of the Creek Nation, opposite No. 3256.

The Indian Office concurs in your recommendation that the aforesaid action of the Department be permitted to stand. A copy of its letter is enclosed.

The Department also concurs in your recommendation and as there appeared to be no reason for changing departmental action heretofore taken, it is accordingly adhered to.

The papers in the case, together with a copy hereof, have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Acting Secretary.

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ind. of.

AFMc
3-6-07.

Cr. En. 909.

Cr. Indian Card 1010.

Muskogee, Indian Territory, March 15, 1907.

Johnson Bigpond,

Sapulpa, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of March 4, 1907 (I.T.D. 3956-1907) adhered to its action of March 19, 1904 (I.T.D. 3306-1904) in striking the name of Gussie Bigpond from the approved roll of citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

JCL.

Cr.En. 909.

Cr.I. card-1010

Muskogee, Indian Territory, March 15, 1907.

Mars & Mars,

Attorneys at Law,

Sapulpa, Indian Territory.

Gentlemen:

You are hereby advised that the Department under date of March 4, 1907, (I.T.D. 3956-1907) adhered to its action of March 19, 1904, (I.T.D. 3306-1904) in striking the name of Gussie Bigpond from the approved roll of citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Cr. En. 209.

Cr. I. card 1010.

Muskogee, Indian Territory, March 15, 1907.

Chief Clerk,

Creek Land Office,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of March 4, 1907, (I.T.D. 3956-1907) adhered to its action of March 19, 1904 (I.T.D. 3306-1904) in striking the name of Gussie Bigpond from the approved roll of citizens by blood of the Creek Nation.

Respectfully,

JCL.

Commissioner.

F.L. Mars J.J. Mars
Mars and Mars
Lawyers
Sapulpa, Oklahoma.

(COPY)

Jan. 15th, 1909.

Hon. James R. Garfield,
Sec. of the Interior,
Washington, D. C.

Sir:

We desire to call your attention to the case of U.S. Supreme Court in the case of Chickasaws vs. John E. Goldsby, et al, in which we are informed that your Department would not further contest the restoration to the rolls of the citizens of the Choctaw, Chickasaw, Creek and Cherokee Nations, stricken from the rolls by Secretary Hitchcock on March, 4th, 1907, and that you have also ordered a list of the names of the stricken to be re-instated.

We desire to call your attention to a letter dated March 15th, 1907, signed by Tams Bixby, Commissioner, of Muskogee, which reads as follows:-

Mars & Mars, Attys. at Law,
Sapulpa, Ind. Terr.

Gentlemen:-

You are hereby advised that the Department, under date of March 4th, 1907, (It'd. 3956-1907) adhered to its action of March 19th, 1904, (It'd. 3306-1904) in striking the names of Gussie Bigpond, from approved roll of citizens by blood of the Creek Nation.

Respectfully,

Signed, Tams Bixby, Comm.

Muskogee, Ind: Terr.
March 15th, 1907.

Will state further that Gussie Bigpond was a full blood citizen of the Creek Nation, and enrolled opposite roll No. 3256 deceased vo. 851 and was given her allotment as follows:- The north west quarter of the south west quarter; the north half of the south west quarter of the south west quarter; the south west quarter of the south west quarter of the south west quarter and the west half of the south east quarter of the south west quarter of the south west quarter of section 25, township 18 north, range eleven, east, seventy five (75) acres, selection No. 13369, filed 8-29-1901, and the south half of the south half of the south west quarter of the south west quarter and the south half of the north half of the south half of the south west quarter of the south west quarter of section 28, township 16 north, range

J.R.G.

2

13 east, containing fifteen (15) acres, filed 2-12-1903, and the west half of the north east quarter of section 28, township 17 north, range 13 east, eighty (80) acres.

The citizenship of Gussie Bigpond was never questioned and after her death and on the 5th day of February, 1903, Samuel W. Brown, was appointed the administrator of the estate of Gussie Bigpond and said administration is now pending in the County Court, of Creek County, Oklahoma.

There is a large record in this case, and we desire your Department to run through the matter and give same your prompt attention, and let us know promptly what action we may expect by your Department in this matter.

Yours Respectfully,

(Signed) Mars & Mars

DEPARTMENT OF THE INTERIOR

WASHINGTON.

File 5-51.

{ Cherokee,
Creek
Choctaw.

March 25, 1909.

The Commissioner to the
Five Civilized Tribes.

Sir:

There are inclosed herewith, for report and recommendation, fourteen letters from various persons relating to certain Indian citizenship cases.

In these cases it is to be determined whether any action should be taken pursuant to the opinion of the Supreme Court of November 30, 1908, in the case of John E. Goldsby.

Separate reports should be rendered in each of these cases. The inclosed letters relating thereto are identified as follows:

1. From Charles L. Shockley of Mannsville, Oklahoma, dated March 7, 1909, relating to the enrollment of himself and the members of his family as citizens of the Choctaw Nation.
2. From Messrs. White and Hale, Lawyers, Poteau, Oklahoma, dated January 18, 1909, relating to the enrollment of Nora V. Powell, as an intermarried Choctaw.
3. From Messrs. White and Hale, Lawyers, Poteau, Oklahoma, dated January 29, 1909, relating to the Choctaw Inter-marriage case of Nora Powell.

4. From Silas Sharp, by J. O. Pool of McAlester Oklahoma, as attorney and agent, undated, received by the Department January 11, 1909, relating to the Choctaw case of Silas Sharp, et al.

5. From Robbie J. Samuels Harrison of Collyer, Kansas, dated February 20, 1909, relating to the enrollment of himself (and perhaps others) as Cherokee, (with 2 cent stamp).

6. Letter dated March 12, 1909; writer and subject same as in No. 5, above.

7. From William Hall, by J. O. Pool of McAlester, Oklahoma, as agent and attorney, undated, received by Department January 11, 1909, relating to the Choctaw cases of William M. Hall, Mary Pelina White, Louis B. Hall, Laura C. Burrows, John R. White, Annie Anglaw, Minnie L. Livingstons, and their children.

8. From Mars and Mars, attorneys-at-Law, Sapulpa, Oklahoma, dated January 15, 1909, relating to the Creek case of Gussie Bigpond.

9. From Hon. Archibald Bonds of Claremore, Oklahoma, dated January 7, 1909, relating to the Cherokee case of Ora M. Bonds, nee Camp.

10. Letter, dated January 23, 1909; subject and writer same as in No. 9, above.

11. From Malinda C. Satterfield of Woolsey, Oklahoma, dated January 7, 1909, relating to her enrollment as an

Indian citizen, tribe not stated, but probably a Choctaw or Chickasaw.

12. From David C. Ward, by J. O. Pool of McAlester, Oklahoma, as attorney and agent, undated, received by Department January 11, 1909, relating to the Choctaw case of David C. Ward, et al.

13. From J. O. Pool, McAlester, Oklahoma, dated February 3, 1909, relating to the Choctaw case of Alexander Beal, William Hall, et al., and D. J. Ward.

14. From W. B. Field, attorney-at-law, Washington, D. C. dated February 15, 1909, relating to the Choctaw cases of Martin P. and Myrtle Turner, Selden P. Lindsay, Mattie L. Armstrong, et al., William Hall, et al., Silas Sharp, et al., B. J. Ward (or D. J. Ward) et al.

It is desired that, in preparing the reports herein requested, you follow the general instructions, so far as the same are applicable, contained in departmental letter of March 15, 1909, (File 5-51), and that such reports be transmitted through the Indian Office to the end that they may be forwarded with the recommendation of the Commissioner of Indian Affairs.

Very respectfully,

(Signed) Frank Pierce.

First Assistant Secretary.

14 enclosures.

(Send direct; copy to Indian Office).

Muskogee, Oklahoma, April 6, 1909.

Subject.
Status relative to
enrollment of Gus-
sie Bigpond.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is acknowledged of departmental letter of March 25, 1909 (File 5-51, Cherokee, Creek, Choctaw), enclosing for report and recommendation, among others, a letter dated January 15, 1909, from Messrs. Mars and Mars, Attorneys-at-law, Sapulpa, Oklahoma, relative to the enrollment of Gussie Bigpond, opposite number 3256, on the approved roll of Creeks by blood, whose name was stricken from said roll; such report to be rendered in compliance with the general instructions, contained in Departmental letter of March 15, 1909, (File 5-51). Replying I have the honor to report as follows:

1. The names of the father and mother of Gussie Bigpond are on the 1890 and 1895 authenticated rolls

of the Creek Nation.

2. On October 19, 1899, this applicant was listed for enrollment, by the Commission to the Five Civilized Tribes, on Creek Indian Card, Field No. 1010, along with her father and mother, and on the same date a citizenship certificate was issued permitting the selection in allotment her pro rata share of the lands of the Creek Nation. On March 13, 1902, a partial schedule of Creeks by blood having thereon the name of said Gussie Bigpond, opposite number 3256, was approved by the Secretary of the Interior. On March 4, 1904, the Commission transmitted to the Department an affidavit executed by Johnson Bigpond, the father of Gussie, relative to her death, and recommended that her name be stricken from the approved roll of citizens by blood of the Creek Nation, opposite number 3256, for the reason that said affidavit was to the effect that said Gussie Bigpond was born subsequent to April 1, 1899 and died prior to July 1, 1900. On March 19, 1904 (I.T.D. 2306-1904) the Department authorized the Commission to strike her name from said approved roll. On February 28, 1905, the Department, on motion of

Mars and Mars, Attorneys for the mother of Gussie, reopened the matter of her right to enrollment, which motion to reopen was transmitted to the Department February 8, 1905, by the Commission. On May 4, 1905, all parties in interest being advised, a hearing was had in part before the Commission. Further hearings were had on various dates up to and including August 18, 1905. On January 19, 1906, the Commissioner to the Five Civilized Tribes transmitted for consideration by the Department a transcript of all the testimony taken in this case, the same being Creek Enrollment Case No. 909, recommending that the action of the Department of March 19, 1904, in striking the name of Gussie Bigpond from the approved roll be allowed to stand. On February 16, 1907, the Honorable Acting Commissioner of Indian Affairs concurred in the recommendation of the Commissioner to the Five Civilized Tribes, and on March 4, 1907, the Department adhered to its former decision of March 19, 1904, striking from the roll the name of said Gussie Bigpond (I. T.D. 5956-1907).

3. Gussie Bigpond was born subsequent to the passage of the Act of June 10, 1906.
4. See report in No. 3, above.

Secretary--4

5. Certificate of allotment was issued but no patents were. This land was subsequently filed on by other citizens to whom patents have been issued.
6. The name of Gussie Bigpond was stricken from the approved Creek roll on March 19, 1904, by the Department, upon the recommendation of the Commission to the Five Civilized Tribes, which recommendation was occasioned by the affidavits of the father of said child, in which it was shown that she was born subsequent to April 1, 1899 and died prior to July 1, 1900. At the subsequent hearings looking to the restoration of her name to the rolls, the heirs and their Attorneys were present and every opportunity given to present such testimony as might be desired.

I am of the opinion, in view of the very extensive investigation heretofore made in this matter, that the action of the Department of March 4, 1907, adhering to its former decision of March 19, 1904, striking from the rolls the name of Gussie Bigpond, should not be disturbed, and so respectfully recommend.

Respectfully,

SCP(MPS)

Commissioner.

Through the Commissioner
of Indian Affairs.

Muskogee, Oklahoma, September 2, 1909.

Mare & Mare,

Attorneys at Law,

Sapulpa, Oklahoma.

Gentlemen:

Referring to your communication of January 15, 1909, addressed to the Secretary of the Interior, relative to the enrollment case of Gussie Bigpond, you are advised that the Department, under date of July 12, 1909, advised this office that it was of the opinion that the case of the said Gussie Bigpond was not analogous to that of John E. Goldsby and did not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1909, in that case.

Respectfully,

(VR)

Commissioner.

CR EN 910

CR EN 910

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., October 8, 1902.

In the matter of the application of Ludie Cruel for the enrollment of her minor child, Irene Cruel, as a Creek freedman.

Appearances: H. C. Reed, attorney for Creek Nation.

Ludie Cruel, having been first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Ludie Cruel.
Q What is your age? A I am between twenty-four and twenty-five years old.
Q What is your post office address? A Tallahassee Mission.
Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.
Q Have you been known by any other name except Ludie Cruel? A Yes, sir; I have been known by my husband's name, Burton.

The records of the Commission examined and it appears therefrom that Ludie Cruel is listed for enrollment as a citizen of the Creek Nation, on Creek Freedman Card, Field No. 790, under the name of Ludie Burton.

- Q For whom do you now make application for enrollment?
A For this baby.
Q What is the name of your child? A Irene Cruel.
Q Are you the mother of Irene Cruel? A Yes, sir.
Q Is she now living? A Yes, sir.
Q When was she born? A She was born the first of May.
Q In what year? A 1901.
Q How old is Irene Cruel now? A She is a year and five months old.
Q To what town in the Creek Nation do you belong? A Arkansas.
Q What is the name of the father of Irene Cruel? A Eli Cruel.
Q Is he living? A Yes, sir.
Q Is he a citizen of the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation does he belong? A Arkansas.
Q Is Eli Cruel your husband? A Yes, sir.
Q When were you married to him? A It is going on two years since we have been married, I don't remember what month it was.
Q Did you get a marriage license and certificate? A Yes, sir.
Q Has your husband, Eli Cruel, been listed for enrollment as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Eli Cruel is listed for enrollment as a citizen of the Creek Nation on Creek Freedmen Card, Field No. 1364.

- Q Do you know the nature of an oath? A I guess it means for you to tell the truth.

2 In Re Application of Ludie Cruel for the enrollment of her minor child, Irene Cruel, as a Creek freedman.

Ludie Cruel, witness.

Examination by the Commission.

- Q Do you know what the consequences are if you swear to something that is not true? A Send you to the pen, I guess.
Q Can you now swear positively that Irene Cruel was born on the first day of May, 1901? A Yes, sir.
Q How do you know that that child was born on May 1st, 1901?
A I know what day of the month it is.
Q Did you keep any record of the time it was born? A Yes, sir.
Q What kind of a record did you keep--did you keep a record in a book? A No, sir.
Q You and your husband, Eli Cruel, are both recognized citizens of the Creek Nation? A Yes, sir.
Q You have been recognized by the Creek tribal authorities as citizens of the Creek Nation? A Yes, sir.
Q Your names appear upon the Creek tribal rolls? A Yes, sir.

The 1890 and 1895 tribal rolls of the Creek Nation, Arkansas town, examined, and the names of Ludie and Eli Cruel are found thereon.

Commission to applicant.

Before any further action is taken by the Commission in the matter of your application for the enrollment of your child, Irene Cruel, as a citizen of the Creek Nation, it will be necessary for you to produce here two witnesses who know when your child, Irene Cruel, was born.

Examination by H. C. Reed, attorney for Creek Nation.

- Q Whereabouts you living? A I lives right close to Tallahassee Mission.
Q Who was your neighbors around there? A Wiley Suckey, Mollie Bonner, and Dick Tiger.
Q How far they live from you? A We don't live a half a mile from any one of those persons

Witness as to mark:

W. C. Angell
H. A. Borey

Ludie ^{her} x Cruel
mark

Subscribed and sworn to before me this 8th day of October, 1902,
at Muskogee, Indian Territory.

H. A. Borey
Notary Public.

Em 910

BA-32.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE INDIAN TERRITORY, MARCH 20, 1905.

-ooOoo-

In the matter of the application for the enrollment of Irena Cruel, as a Creek Freedman.

LUTIE CRUEL, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

~~Affidavit previously filed with the Commission prior to September 1, 1904, is considered as an application for the enrollment of said Irena Cruel as a Creek Freedman.~~

- Q What is your name? A Lutie Cruel.
Q How old are you? A 25.
Q What is your postoffice address? A Tallahassee.
Q Are you a citizen of the Creek Nation? A Yes.
Q What was your name before it was Cruel? A Burton.

Witness is identified as Lutie Burton on Creek Freedmen Card, Field Number 790, and her name is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior March 28, 1902, Roll Number 3055.

- Q When was Irena Cruel born? A May 1, 1901.
Q Who is the father of Irena Cruel? A Eli Cruel.
Q Is he a citizen? A Yes.
Q Of the Creek Nation? A Yes.
Q Is Irena living? A No, she is dead.
Q How long has she been dead? A A Year and seven months.
Q Who was present at her birth? A Mrs. Ann Reed and Minnie Williams.
Q When did you send in that affidavit about the birth of Irena? A It was before she died, and the Commission told me to wait until the mid-wife got so she could come and after I went back the baby and the mid-wife both died and we never saw anything more about it until we filed for this last baby.
Q Did you write down in a book or anywhere the dates of the birth and death of Irena? A No.
Q Well, how do you remember the date? A Well I know when she was born.
Q Have you a child named Johnie? A Yes.
Q When was he born? A December 25th.
Q What year? A 1905.
Q You mean 1895? A Yes.
Q Have you a child named Nettie? A Yes, sir.
Q When was Nettie born? A In July, I believe, 1904-----1894---no, 1893.
Q Is Nettie older than Johnie? A No, Johnie is the oldest.
Q You said that Nettie was born in 1895 and Johnie in 1893? A

Cruel... #2.

I have forgotten--Johnie is the oldest.

Q Do you know when Nettie was born? A In July.

Q Do you know the year? A No, sir.

Q How do you remember the year in which Irena was born? A Because it has not been so long since she was born.

ANN REED, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

Q What is your name? A Ann Reed.

Q How old are you? A I don't know.

Witness appears to be about 50.

Q What is your postoffice address? A Muskogee.

Q Do you know Lutie Burton--Lutie Cruel? A Yes, sir.

Q Do you know a child of hers named Irena Cruel? A Yes, sir.

Q Is that child living? A Yes, she said she was living when she came in here.

Q When was she born? A In May--first, I believe.

Q What year, do you know? A I do not know.

Q Were you present when Irena was born? A Yes, sir.

Q Did you write down in a book or make any kind of a record about the date of her birth? A No.

Q How can you remember the month and day? A I just remember that---but I never kept no account of it.

Q Did she, the mother, tell you the month and day? A Yes.

Q When did she tell you? A I never talked to her about it until to-day.

Q Did she tell you the day the child was born? A Yes.

Q Did you remember that it was born on May 1st before she told you? A Yes, but I took no account of it.

Q Did you tell Lutie Cruel that you knew the day it was born? A It was born on Sunday night, but I do not know the day.

Q You know it was born on Sunday night? A Yes, sir.

Q Of what month? A May.

Q What year? A I do not know the year.

Q Do you remember how many years ago it was? A Four years ago, I think, I have not kept any record of it.

MINNIE WILLIAMS, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

Q What is your name? A Minnie Williams.

Q How old are you? A 24.

Q What is your postoffice address? A Wybark.

Q Do you know Lutie Cruel? A Yes, sir.

Q Do you know a child of hers named Irena? A Yes, sir.

Q When was she born? A I do not know the day or the month or anything about it but I was there.

Q Do you know how many years ago it was since she was born? A No.

Q Do you know when she died? A No.

Q You just know that she had a child named Irena Cruel and that it is dead, is that all you know? A Yes, sir.

LUTIE CRUEL, recalled, testified:

Q Did your husband ever testify in this case? A Yes.

Q When? A The other day.

Q Did he sit down here and give testimony and a stenographer took it down, as we are doing now? A No, but he told the baby was dead.

Q Did you have a doctor in attendance when that baby was born? A No, sir.

Q Did you have one when it died? A Yes.

Q What was his name? A Dr. Williams.

Cruel... #3.

Q. Of Muskogee? A Yes, sir, and the baby died right here in town.
I brought her over to the dootor's and she died right here in town.

Zera Ellen Parrish, being duly sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zera Ellen Parrish

Subscribed and sworn
to before me this 22nd day
of March, 1905.

Edward S. Sweeney

910

Muskogee, Indian Territory, May 13, 1905.

Little Cruel,

Tallahassee, Indian Territory.

Dear Madam:

The Commission desires further evidence in the matter of the application for the enrollment of your minor child, Irena Cruel, deceased.

You are hereby notified that you will be allowed thirty days from date within which to appear before the Commission at its office in Muskogee, Indian Territory, with at least two witnesses who know the exact date of the birth of said Irena Cruel, deceased.

Respectfully,

Chairman.

INDEXED!

COMMISSION TO FIVE TRIBES.		
No.	Received	AMENDED
		Book Page
25196 1905	MAY 18 1905	

Cruel, Ludie
Tallahassee, I.T.
Creek Nation,
May 17, 1905.

Asks relative to the enrollment
of her child.

CREEK ENROLLMENT.

U. S. Postoffice.

Long Distance Telephone.

Notary Public.

L. E. Willis.

General merchandise Buy and sell everything.

Tallahassee, I. T., May 17 1905

The Hon. Dams Commission
Muskogee.

A baby was born of me May the 1 - 1901. I made an affidavit of the birth of said child accompanied with the affidavits of the Midwife Harrett Brown. We presented same to your honorable Commission. You then required 2 more witnesses which I secured in the person Minnie Williams and ~~At~~ Annie Reed two honorable and worthy citizens who was present or there about - on the birth of said child which was born May the 1 - 1901.

Now you require more witnesses which I am not able to furnish as these are the only persons who was present at that time. You will please inform me if you will insure the child Grand Child.

Yours Truly
L. E. Willis.

32

IN RE

Application for Enrollment of

INFANT CHILD

Irena Creek

as a citizen of the

Creek

Nation.

Approved _____ 190

Commissioner.

Mother on In Card #790
Father " " #1364

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
FILED

Filed Oct 8th 1902

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Arena Cruel, born on the 1 day of May, 1901
(Here insert name of child.)
Name of Father: Eli Cruel, a citizen of the Creek Nation.
Name of Mother: Loda Cruel, a citizen of the Creek Nation.
Post-Office: Tullahassee

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Loda Cruel, on oath state that I am 26
years of age and a citizen, by Adoption, of the Creek Nation;
that I am the lawful wife of Eli Cruel, who is a citizen, by
Adoption, of the Creek Nation, that a girl child was
(Male or female.)
born to me on the 1st day of May, 1901; that said child has been
named Arena Cruel, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 7 day of Oct. 1902

Lucius E. Hillis
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Harriet Brown, a midwife, on oath state that I
attended on Mrs. Loda Cruel, wife of Eli Cruel,
on the 1 day of May, 1901; that there was born to her on said
date a female child; that said child is now living and is said to have been
(Male or female.)
named Arena Cruel.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 7 day of Oct. 1902

Lucius E. Hillis
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Irena Cruel, deceased, as a Creek Freedman.

.....DECISION.....

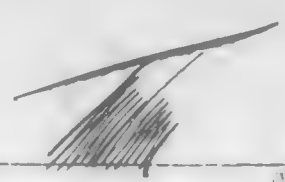
The record in this case shows that on October 8, 1902, Ludie Cruel appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Irena Cruel, now deceased, as a Creek Freedman. Further proceedings were had March 20, 1905.

The evidence shows that said Irena Cruel (deceased) was born May 1, 1901, and that she died during the year 1903.

The evidence further shows that said Irena Cruel, deceased, was the minor child of Eli Cruel and Ludie Cruel, and an examination of the records of this Office shows that the names of said Eli Cruel and Ludie Cruel, the latter as Ludie Burton, appear on the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, opposite Nos. 4600 and 3056, respectively.

It is, therefore, ordered and adjudged that said Irena Cruel, deceased, is entitled to be enrolled as a Creek Freedman, in accordance with the provisions of the act of Congress June 30, 1902 (32 Stats., 500), and the application for her enrollment as such is accordingly granted.

Muskogee, Indian Territory.



Commissioner.

JAN 12 1906

Or En 910

Muskogee, Indian Territory, January 13, 1906.

M. L. Kott,

Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Irena Gruel, deceased, as a Creek Freedman.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of said Irena Gruel, deceased, and if, at the expiration of said time, no protest has been filed, said person will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Commissioner.

JYM-13-19

Muskogee, Indian Territory, June 26, 1906.

Ludie Cruel,

Care of Eli Cruel,

Tallahassee, Indian Territory.

Dear Madam:

You are hereby advised that the name of your minor child, Irena Cruel is contained in the partial list of Freedmen of the Creek Nation, approved by the Secretary of the Interior June 26, 1906, and that a selection of land in the Creek Nation may now be made for her at the Creek Land Office in Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,

Commissioner.

CR EN 911

CR EN 911

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 4, 1905.

In the matter of the application for the enrollment of Clarence Owen as a citizen by blood of the Creek Nation.

APPEARANCES:

George C. Butte, Attorney for Applicant.

Chauncey A. Owen, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Chauncey A. Owen.
Q How old are you? A 58 years old.
Q What is your postoffice address? A Tulsa.
Q Are you a citizen of the Creek Nation? A No sir.
Q White man, are you? A Yes sir.
Q What is the name of your wife? A Martha Owen.
Q Have you a child named Clarence Owen? A I did have, yes.
Q Is he living? A No sir.
Q When was Clarence born? A I think he was born November 27, 1888.
Q How long did he live? A He died the 24th day of August, 1899.
Q Did he live as much as eleven years? A No sir.
Q You said he was born in 1888? A I made a mistake in the date.
Q Did you mean 1898? A Yes sir.
Q Is your wife, Martha, living? A No sir.
Q When did she die? A Died three years ago, the eighth day of January.
Q Last January was three years ago? A Yes sir.
Q What year would that be? A 1902, I guess.
Q Did you execute an affidavit about this death of this child, Clarence--did you go before a notary public, signed an affidavit and swear to it? A I presume I did; I don't remember now.
Q Is this your signature here (paper shown witness)? A I know it is.
Q Before what notary public was it? A I don't know; I don't remember.
Q Do you know Mr. A. A. Querry? A That's the notary.
Q Is the date in that affidavit of the death of your child correct? A I don't know what it is.
Q It was read to you? A I suppose I made it right.
Q When you signed and swore to it? A I suppose so.
Q Do you remember anyone making affidavit with you on the same form? A I don't remember, but I think my wife did.
Q Do you remember the circumstance--was Dr. Kennedy present when the child died; was he waiting on it? A He wasn't there when it died. He waited on her during her sickness.
Q Have you any record of the birth and death of this child--did you write it down anywhere? A I have a family record, it got misplaced somewhere. It had the date of both birth and death.
Q That has been lost recently? A No sir; I have not seen it for a year or more.
Q How old was the child when it died, to your best recollection?

Clarence Owen-----2.

A Was born November 27 and died August 24, that's next year.

Q I don't want a computation--the difference--the number of days between those two dates; I want you to give an idea how old it was--how big a boy, to your best recollection? A About twenty months old, I think; something like that.

Q Was your wife, Martha Owen a citizen of the Creek Nation? A Yes sir.

Q Got her land, did she? A Yes sir.

Q Who was present when the child was born? A Nobody that's living now; Dr. Reynolds was there.

Q Was Hattie Cook there? A She came there after the child was born.

Q She made affidavit as midwife? A She served in that capacity and then died.

Q Is Hattie Cook living? A She is dead.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes; do hereby certify upon oath that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me this the 30 day of March, 1905.

Edw. L. Sinead
Notary Public.

En. 911.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-ooOoo-

In the matter of the application for the enrollment of
Clarence Owen, deceased, as a citizen by blood of the Creek Nation.

:- D E C I S I O N :-

The records of the Commission show that on March 25, 1901, the affidavit of Martha Owen, relative to the birth, and the affidavit of Chauncey A. Owen relative to the death of their minor child, Clarence Owen, were filed with the Commission at Muskogee, Indian Territory, which said affidavits are considered by the Commission as an application for the enrollment of said Clarence Owen, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had March 4, 1905.

The evidence shows that said Clarence Owen, deceased, was born November 27, 1898, and that he died August 24, 1899.

The evidence further shows that said Clarence Owen, deceased, was the minor child of Chauncey A. Owen, a non-citizen, and of Martha Owen, and from examination of the records of the Commission it appears that the name of said Martha Owen, as Martha Owens, is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior January 8, 1904, Roll Number 9738.

It is, therefore, the opinion of the Commission that said Clarence Owen, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the Acts of Congress June 28, 1898 (30 Stats. 495), and March 1, 1901 (31 Stats. 861), and it is so ordered.

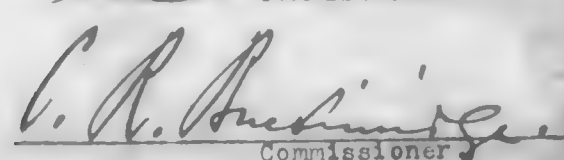
COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.

Muskogee, Indian Territory,

JUN 14 1905


Commissioner

Indian Territory,
Western District,

} ss.

AFFIDAVIT.

I, Chauncey A. Owen, of Tulsa, Indian Territory, being first duly sworn, depose and say that the attached copy of births and deaths in the Pendleton and Owen families is the original entry taken from the family bible and that the same has not been modified or altered in any way, except as hereinafter indicated. I further state that I, Chauncey A. Owen, was the husband of Martha Owen, deceased, formerly Martha Pendleton; that the first four entries upon the said attached sheet of births and deaths were made prior to my marriage to the said Martha Pendleton; that the entries of the birth of Charles Feeley, Clarence Owen, Elva Owen, Albert Owen and Addie Owen were made at the time or so near the time of the event that there is no possibility of mistake in the date and that the said entries have not since been altered. I further state that Ollie M. Owen is a grandchild of the said Martha Owen and that the entry of her birth was made at a later date when through the death of her parents she became a member of the affiant's family.

I further state that at the time affidavit was made by this affiant certifying that the date of the birth of Clarence Owen was other than the 27th day of November, 1898, that the date of November 27th, 1898 had been given to my attorney to put in affidavit form, and that subsequently, feeling sure that the affidavit was drawn in accordance with the memoranda furnished, I signed and swore to the said affidavit, not knowing that the said attorney had made an error in transcribing the dates from the said memoranda. Affiant now takes oath that the entry upon the attached sheet is the original entry and that the date November 27th, 1898 is the exact and correct date of the birth of the said Clarence Owen and that the date of his death was August 24th, 1899. And further affiant sayeth not.

Chauncey A. Owen

Before me, a Notary Public in and for the Western District of

Indian Territory, appeared on this 9th day of March, 1905 Chauncey A. Owen, to me well and personally known and subscribed and swore to in my presence the foregoing affidavit.

O. Baane
Notary Public.

My commission expires July 8 1909.

Children - Born of L. A. & Martha Owen
Olva Owen Born March 1st 1888

Albert Hamilton Page Owen Nov 22nd 1889

Addie Owen born Aug 14th 1889

Clarence Owen Born Nov 2nd 1889

Dede Owen Aug 2nd 1890

Martha Owen

Died Jan 8th 1902

Will H. Owen

Born Jan 12th 1891

Enoch Penellton Born May 12th 1844

Loraine Penellton Born Dec 27th 1875

James Fulton Penellton
Born Jan 10th 1878

Sarah Virginia Penellton
Born June 5th 1881

Charles Penellton
Born May 11th 1884

Edith Penellton
Born Nov 27th 1898
Linda Penellton 24th 1900

Agnes Penellton
Born Dec 11th 1901

Copy.

Tulsa, I.T., Feb 16th 1903.

Indian Agent Muscogee

Dear Sir

Please to Explain to me in Regards to Chancey Owens---
he claims that he filed on a strip of Land a Joining Tulsa and Claims
he filed on it for the Benefit of one of his dead children that died
5 years ago. It is a strip 600 feet Wide and 1 mile long and as it
was Call the old Suvay I would ask you please to inform me if he has
any right to such piece of Land

I Remain Yours Respectfully

J. E. Muratet

Tulsa Ind Ter

Gr.En. 911

Muskogee, Indian Territory, September 30, 1905.

George C. Butte,
Attorney for Martha Owen,
Muskogee, Indian Territory.

Dear Sir:

You are advised that the name of Clarence Owen, deceased, minor child of Martha Owen, is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior September 21, 1905, and that selection of lands in the Creek Nation may now be made by his legal representative for the heirs of said Clarence Owen, deceased.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cr. En. 911

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

J. A.

Muskogee, Indian Territory, September 30, 1905.

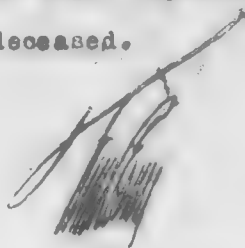
Martha Owen,

Tulsa, Indian Territory.

Dear Madam:

You are advised that the name of your minor child, Clarence Owen, deceased, is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior September 21, 1905, and that selection of lands in the Creek Nation may now be made by his legal representative for the heirs of said Clarence Owen, deceased.

Respectfully,



Commissioner.

Muskogee, Indian Territory, June 15, 1906

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Clarence Owen (deceased) as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of said time, no protest has been filed, said Clarence Owen (deceased) will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

JYM-15-27

RESIDENCE:

POST OFFICE:

Tulsa, Ind. Ter.

Nation.

Roll.

CARD NO.

FIELD NO. 3915

C.C. 174

Dawes' Roll No.	NAME.	Relation-ship to Person first Named.	AGE	SEX	BLOOD.	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.					
						Year.	District.	No.	Name of Father,	Year.	District.	Name of Mother.	Year.	District.
1	Owens, Martha		22	F.	1/4	1890	Broken Arrow	Page 223			Dead Non Citizen	Jane Wolf	Dead	Broken Arrow
2	Elva	Daughter	18	"	1/8	1890	"	223	C. A. Owens		"	No. 1		"
3	Archie		5	"	1/8	1895	"	13	"		"	No. 1		"
4	Ollie M.	Daughter	7	"	1/8	1895	"	214	John Wolf		"	Dora Bunkleton	Dead	"
5	Albert Page	Son	10	M	1/8	1891	"	1092	C. A. Owens		"	No. 1		"
6	Clarence		1	"	1/8		"		"		"	No. 1		"
7	Frederick, Charles		16	"	1/8	1895	"	Page 13	Henry Freley	Dead	"	No. 1		"
									No. 4 on 1890 Roll as "Matha"			No. 6 died August 24 th 1899, Proof of death attached		
									No. 2. 1890. "One child"			No. 7 transferred from Creek Card 3413 as "Charles Freley"		
									No. 5. 1891 Omitted Roll as "Peggy Owen" at No. 1092					
									No. 7. 1891. "Charley Freley" at No. 1091					
									No. 1. 1895 Bay Roll, Broken Arrow Town, No. 211					
									No. 4. 1895. "214" as "Archie Wolf"					
									No. 2. 1895 Omitted Roll, Page 13, as "Elva Freley"					No. 17 th 1899
									No. 3. 1895. "Archie"			No. 5 enrolled June 2 nd 1900		
									No. 5. 1895. "Rose"			No. 6		May 23 rd 1901
									No. 7. 1895. "Charlie"					
									No. 4 died January 8 th 1902, Proof of death attached					

CITIZEN CERT.
ISSUED FOR No. 2
July 28th 1900CITIZEN CERT.
ISSUED FOR No. 7
Oct. 14th 1901CITIZEN CERT.
ISSUED FOR No. 1 + 4
Nov. 11th 1899CITIZEN CERT.
ISSUED FOR Nos 3 + 5
June 25th 1900CITIZEN CERT.
ISSUED FOR No. 6
Oct. 14th 1901

2/5/03 # 6. See copy of letter attached which says he died 7 years ago.

All except #6 transferred to
Creek Card #424

CR

EN 9/2

CR EN 9/2

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 25, 1905

In the matter of the right to enrollment of Elmore Cherry as a Creek Freedman:

Susan Cherry, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Susan Cherry.
Q What is your age? A I just can't tell you.
Q What is your postoffice? A Boynton now, it was Lee; it goes to Boynton.
Q You are about 56 years old? A I expect so; I have been a slave.

Witness is identified as Susan Cherry, on Creek Freedman card, Field No. 339, and her name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, Roll No. 1301

- Q You know a child named Elmore Cherry? A Yes sir.
Q What is the name of the mother of that child? A Louise.
Q Did you say her name is Lou Wise? A We call her Shome.
Q Was she called Lou Robinson? A That's what she went by.
Q Do you know who the father of that child is? A No sir.
Q Do you know who he is? A Albert Cherry.
Q Is Albert Cherry related to you? A My son.
Q Was he married to Lou Robinson? A No sir.
Q How old is Elmore? A I guess he ought to be 12 years old, as near as I can get at.
Q Do you know what year he was born? A No sir; I can't read or write.
Q Did Albert Cherry ever live with Lou Robinson? A He lived with her, but not married to her.
Q Did he live in the same house with her? A He lived in the same place; we ought to know.
Q Did they live together as though they were married? A No sir.
Q Do you know if they were sleeping together? A Yes, I guess they did.
Q Did they stay in the house with you? A It was in the same house. I never saw them sleep together.
Q How do you know that he is the father of that child? A He owned it and she said it was his.
Q Was she ever going with any other men? A No sir; she went with him; the sleeping part, she wouldn't let me catch on to that.

The records of the Commission, examined and on old census-card, family No. 81 is found the name of Albert Cherry. It is stated on said card that Elmore is a grandson of Susan Cherry, the head of said family No. 81.

- Q Did Lou go with any other men previous to the birth of this child? A No sir.
- Q Was she married to anyone since? A She married twice since.
- Q How old was Elmore before she married the first time? A Five years old.
- Q Do you know if she was ever going with any other men up to the time of her first marriage? A No sir; I don't remember. She married after she quit going with anybody.
- Q Albert owned that this child was his? A Yes sir.
- Q Did he support it? A Yes, sir; up to a year ago.
- Q This child live with you? A Yes sir.
- Q And you consider it as his child? A Yes sir.
- Q Is the child a boy or girl? A Boy.

Albert Cherry, the alleged father of the child, is identified on Creek Freedman card, Field No. 339, and his name is contained in the partial list of Creek Freedman approved by the Secretary of the Interior March 13, 1902, Roll No. 1302.

- Q Where is Albert now? A I don't know.
- Q How long since you saw him? A It has been two years.
- Q Was he in good health when you saw him? A No sir; he was not.
- Q What was the matter? A Rheumatism or scrofula. I heard he was dead last March a year ago.
- Q Do you know where he went when he left here? A Kansas.
- Q Did he write to you while away? A Never did.
- Q Didn't you ever hear from him at all? A No sir.

Witness is notified that it will be necessary for the mother of the child to appear before the Commission and give testimony in regard to his birth and parentage, with any other witnesses that she may have, who know anything about the birth or parentage of said child.

Thirty days' time
is allowed

Sarah Cherry, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Sarah Cherry.
- Q How old are you? A I can't tell exactly my age, but I am some 32 or 40.
- Q What is your postoffice? A Oktaha.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q Are you any kin to Susan Cherry? A Sister.
- Q Has she a grand-son named ~~Elmer~~ Elmer Cherry? A Yes sir.
- Q Is that child living with her? A Yes sir.
- Q How close to you do they live? A They live at Boynton; I live at Oktaha, but we used to live together.
- Q Did you ever live in the same house with the child? A Near the same house.
- Q Do you remember when it was born? A Yes sir.
- Q When? A Sometime in a winter. It was a cold winter; exactly the date I don't know.
- Q About how many years ago? A I don't recollect now, but they were running a mail line at that time.
- Q About 11 or 12 years ago? A Yes sir.
- Q How long since you saw that child? A I have seen that child

now about a year ago.

Q Where does he live now? A I think its mother. It is a good while--it stays backwards and forwards, sometimes with the mother sometimes with the grandmother. It mostly stays with the grandmother.

Q With Mrs. Susan Cherry? A Yes sir.

Q Do you know if it was ever staying with its father? A Father went off when it was quite young.

Q Do you remember when it was born--were you in the close neighborhood? A Yes sir.

Q Was this man, whom they claim is his father, there at that time? A Yes sir.

Q Did you see him there? A Yes sir; that's my nephew.

Q Who was that? A Albert Cherry.

Q He is the father of that child? A Yes sir.

Q How do you know? A He claimed the child.

Q How do you know he claimed it--did he ever tell you he claimed it? A Yes sir.

Q When did he tell you? A Before he went off. I went and asked him.

Q How many times did you ask him? A Once.

Q And he told you that it was his? (No answer)

Q When was that? A That's before he went off. I seed him in 1902 or 1903; I seed him--

Q And you asked him then? A It was before that when the child was young; I asked him before the child was six months old. The child was about two or three months old when I asked him that.

Q Did he ever tell you that it was his child before it was born?

A No sir..

Q You knew they were expecting a child? A Yes sir.

Q What is the name of the mother of the child? A Nick name, we call her Shome.

Q Was this Shome, the nick-named mother of this child, and your nephew, Albert, married? A No sir; they was not married.

Q Not married? A Not married.

Q Did they ever live together? A Yes sir.

Q How long at one time did they live together? A I tell you it was a good while before we caught on they lived together.

Q What do you mean living together--as husband and wife? A I guess so.

Q Acknowledging one another in that relation? A No sir. They would not exactly come out and claim it and tell.

Q You mean having sexual intercourse? A Yes sir.

Q How do you know they had that intercourse? A I was wise enough to know it.

Q Did you ever see it? A I could tell they were living together.

Q Did he tell you that he had sexual intercourse with that woman?

A He told me if this woman says that is my child she knows what she is talking about.

Q Is that what he told you two or three months after the child was born? A Yes, he did not come straight out, but she said she knew.

Q He did not deny and did not come out and say that it was his child but said if she said it was his child she knew what she was talking about? A ----

Q He never did recognize that woman as his wife? A No sir.

Q Neither before or after the birth of the child? A No, he didn't

tell me that.

Q Do you know if they ever stayed all night together? A I stayed at my house.

Q You said you lived close together, didn't you ever stay all night with Susan? A She would be sickly and he of course, would not be there.

Q Do you know of his having stayed all night with this woman?

A I did not see them him together.

Q Do you know from hearsay or from actual experience that they ever had intercourse as husband and wife together? A A man is very shy about such things. He is going to keep a secret, if he possibly can.

Q Do you know if they actually had intercourse? A I didn't see them.

Q And the only thing that you know--that leads you to believe that that child is his is the fact that he told you, about two or three months after the birth of the child that if she said it was his, that she knew what she was talking about? A Yes, that's right.

Q Neither admitted the child (was his) nor deny? A No sir.

Q You said while ago that he neither admitted nor denied? A He did not exactly come out.

Q But told you if that woman says it is his, it is so? A He never (came out).

Q And then after that he would buy clothes for that child? A I just supposed it was his child.

Q You just supposed? A Yes sir.

Q Did you ever see him buy clothes for that child? A He has given me some things to give to the mother of the child.

Q Did he say anything to you about the child? A He said for that woman.

Q What kind of clothes? A Why, goods--calico.

Q How much? A The child was small; it would not take much.

Q How many times? A He gave me twice. Twice he bought three yards of calico, that he gave me.

Q You don't know if he gave anything else? A--

Q Did he not give you any money for the support of that child?

A Yes, he brought the child over to keep in Muskogee; the child and mother stayed in the place for about two or three years lived with its mother.

Q The child never lived with its father? A The father of the child, the mother and grandmother all lived in the house at Muskogee.

Q How long did they live in the same house? A Lived there a long time.

Q I asked you while ago if you knew in any way whether that man and woman spent time together in the same house and you said no?

A I did not see them; they lived together after the child was born.

Q Where is the father of the child now? A I don't know.

Q How long after the birth of the child before you lost track of him? A I moved out of Muskogee then.

Q Shortly after the birth of the child? A No sir. I was living in Muskogee. The child was born in Cloud Creek. After the child got so he could walk and get around they came to Muskogee, left Cloud Creek. Grand mother and I lived two blocks over. I stayed around about the child a long time.

Q Did you know this woman at all? A Yes sir.
Q Did you know her about the time of the birth of the child?
A Yes sir.
Q Didn't she ever go with any other man? A I couldn't tell you.
Q Didn't you ever see ~~things~~ things to lead you to believe
~~that she was intimate with any other man, that she went with any~~
man? A No sir; I couldn't.
Q Never saw her speak to any man? A No sir; I did not see her
that close.
Q Do you know where that woman Susan is? A Yes sir.

INDIAN TERRITORY, Western District.

F. J. Y. Miller, a stenographer to the Commission to the Five
Civilized Tribes, do hereby certify that the above and foregoing
is a true and complete translation of my notes as same appear in
my stenographic report of this case.

Sworn to and subscribed
before me this the
30 of March
1905.

F. J. Y. Miller
Edw. C. Sweeney

Notary Public.

Old Cr. Card Field #339.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MARCH 29, 1905.

--ooOoo--

In the matter of the application for the enrollment of Elmore Cherry as a Creek Freedman.

LOUISA ROBINSON, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Louisa Robinson.
Q How old are you? A I do not know--guess I am about 27.
Q What is your postoffice address? A Boynton, it used to be Lee.
Q Have you a child named Elmore Cherry? A Yes, sir.
Q When was that child born? A I do not know the year. He is twelve years old this last January the 14th.
Q Are you the mother of Elmore Cherry? A Yes, sir.
Q Who is the father of Elmore Cherry? A Albert Cherry.
Q Are you married to Albert Cherry? A No, I was not married.
Q Did you and Albert ever live as man and wife? A We did not live as man and wife but we was together a lot.
Q How long did you go together? A Two years.
Q Did you live in the same house? A Yes.
Q Did you live as man and wife? A We did not live as man and wife in bed but we lived under the same roof.
Q Where is Albert now? A I heard he was dead.
Q Are you a citizen of the Creek Nation? A No.
Q You are a State woman are you? A Yes, sir.
Q Have you always had possession of that child? A Not all the time--he stayed at papa's. Albert helped me to take care of him.
Q Has Elmore lived in the Creek Nation ever since his birth? A Yes.
Q Who is Albert's mother? A Susan Cherry.
Q Elmore is living now, is he? A Yes.
Q Did you have a doctor or mid-wife in attendance when Elmore was born? A Yes, my step-mother---my father's wife.
Q What is her name? A Rinda Robinson.
Q Where does she live? A She is dead. She went back to Texas and died.
Q Was there any one else present? A My father he was right at home.
Q Where was that child born? A At my father's.
Q Did you have any doctor at the birth of that child? A No, just aunt Rinda Robinson, my stepmother.
Q Did you ever make any record of the date of the birth of Elmore?
A I did, but moving about I lost it. I had it in a bible but got it torn up---I paid no attention to it we had so much bad luck and things.

JOE ROBINSON, being duly sworn, testified as follows:

BY COMMISSION:

- Q What is your name? A Joe Robinson.
Q How old are you? A 79 about.
Q What is your postoffice address? A Boynton.

Cherry.. #2.

- Q Do you know Louisa Robinson? A Yes, sir.
Q What relation is she to you? A She is my daughter.
Q Did she have a child named Elmore Cherry? A Yes, sir.
Q Who is the father of that child? A Albert Cherry.
Q Do you know that? A I do.
Q You are not a citizen of the Creek Nation are you? A No.
Q You are a State man? A Yes, sir.
Q How old is Elmore Cherry? A Twelve years old, about.
Q Do you know when he was born? A I do not know the year; I have been about fourteen years here and he was born two years after I came here, that would make him about twelve.
Q When did you come to the Creek Nation? A I do not know; I cannot remember.
Q Was there ever any money drawn for Elmore? A Yes, his dad drew money for him--he told me he was going to draw money for him, but whether he did or not I do not know.
Q He told me that he intended to support them and when he drew money he helped support the boy.
Q Was Albert married to your daughter? A No.
Q Did he ever live with her as man and wife? A Yes.
Q How long? A About a year.
Q In the same room? A Yes. I got after them about it and he told me that he intended to marry her.
Q Where is Albert Cherry now? A I cannot tell you. He left here about two years or three years ago, and I do not know where he went to at all.
Q Albert has an allotment of land in the Creek Nation; has he not? A Yes, I think so.
Q Doesn't he take care of it? A I do not know.
Q Did Albert help support that child? A Yes, he gave him some money and clothes.
Q Is Elmore living to-day? A Yes, living to-day.
Q Has your daughter always had possession of that child since its birth? A Yes.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zera Ellen Parrish

Subscribed and sworn
to before me this 1st day
of April, 1905.

Edw. W. Sweeney
Notary Public.

S. D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Elmore Cherry as a Creek Freedman.

DECISION.

The records of the Commission show that prior to September 1, 1904, the name of Elmore Cherry was listed for enrollment as a Creek Freedman, on Creek Freedman Card No. 339. Further proceedings were had March 25, and March 29, 1905.

The evidence shows that said Elmore Cherry is the illegitimate minor child of Albert Cherry and Lou Robinson; that the name of said Albert Cherry is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, Roll No. 1302, and that said Lou Robinson is not a citizen of the Creek Nation.

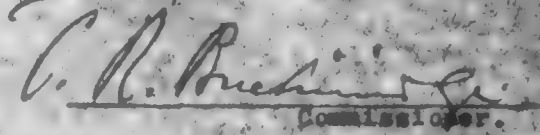
The evidence further shows that said Elmore Cherry was born prior to April 1, 1899, and that he was living at the date of the last proceedings herein.

It is, therefore, the opinion of the Commission that said Elmore Cherry should be enrolled as a Creek Freedman in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


C. R. Bushinger,
Commissioner.

Muskogee, Indian Territory.

JUN 14 1905

Ex In 912

Muskogee, Indian Territory, June 15, 1906.

E. M. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Elmore Cherry as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no protest has been filed, said Elmore Cherry will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

JYN-15-6

Or An 918

Muskogee, Indian Territory, September 30, 1905.

Albert Cherry.

Care of Susan Cherry.

Boynton, Indian Territory.

Dear Sir:

You are advised that the name of your minor child, Elmore Cherry, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior September 21, 1905, and that application for a selection of land in the Creek Nation may now be made for said child at the Office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 913

CR EN 913

#913

Cr A-4
Cr A-5

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 4, 1905.

In the matter of the application of Ah-la-coh-ney Crow, et al., appearing on an old card, as Creek citizens.

(NO APPEARANCE).

Ah-la-co-hon-ney Crow (Fannie Crow), being duly sworn, testified as follows (through Jennetta Tiger, sworn interpreter):

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Ah-la-co-honney Crow; in English we call her Fannie Crow.
- Q (To interpreter) Do you know how she is enrolled--this woman?
- A Under Indian name.
- Q Has she got her land? A She has got her deeds.
- Q (for witness) How old are you? A 40.
- Q What is your postoffice address? A Kellyville.
- Q Are you a full-blood Indian? A Fullblood Euchee.
- Q What are the names of some of your children? A One is named Sinar, Mary and Babie.
- Q Is that all? A Yes sir.
- Q Hasn't she a daughter named Mollie? A That's one they call Mary.
- Q What is your father's name? A Hokoletche.
- Q The card shows the name of the father of the child Babie to be Hokoletchee? A That's right; that's the name of the children's father. My father was named Chukapany.
- Q Is your father living? A No sir.
- Q What was the name of your mother? A Fannie.
- Q Is Fannie living? A No sir.

The witness, Ah-la-co-honney Crow, is listed on Creek Indian card 402 on May 31, 1899, and her name is contained in a partial list of Creek Indians approved by the Secretary of the Interior March 15, 1902, Roll No. 1297.

- Q You say you had a child named Sina Crow? A Yes sir.
- Q What was the name of his father--Sina Crow's father? A Hokoletche.
- Q Is Sina living? A She is dead.
- Q How old was she when she died? A About twenty years old.
- Q When did she die? A About four years. She died after they commenced filing. Lightning killed her.
- Q Where did she live at the time of her death? A At Bristow; a couple of miles from Bristow.
- Q Who was present when she died? A she (witness) was present after her death. She died at Edmund Harris' house. Edmund Harris' wife took care of her. They sent for this woman here and that woman was just dead when they got there.
- Q Was Hokoletchee an Indian? A Euchee.
- Q Fullblood Euchee? A Yes sir.

Cr A-4

Cr A-5---2.

- Q Did he die before the enrollment began? A Yes sir.
- Q Do you know when the Land Office opened? A I forgot.
- Q I am not asking you to give the date; I want to know if you remember the circumstance--do you remember the happening? A Don't know the exact date, but she thinks this year would make it five years. Don't know exactly.
- Q Does she know what month it was in? A They started up right along in January; she filed along in May for herself.
- Q Was Sina living when you filed for yourself? A Yes, she was living, but she did not file for her; she was not staying with her at that time.
- Q Is that the only reason why you did not file for Sina? A She was not with her when the filing commenced; that is the reason she didn't file.
- Q How long after you filed before she died? A She says she filed in May and her daughter died along in September. Says she thinks it was after August, because they had all been at the Fourth of July, so thinks her death was along in September, she says.
- Q Was Sina Crow ever recognized by the Creek Tribal authorities as a citizen of the Creek Nation? A Recognized as on the Roll.
- Q Did she ever draw any money, or was any money ever drawn for her, either in the '90 or '95 payment? A She drew after that.
- Q Under what name did she draw for Sina Crow? A Under the name Sina.

On card marked "Field No. A-4" appears the name Sina Crow, Bristow, Indian Territory; name of mother, Fannie Crow, dated 5/24/01, with a notation: "No. 1 died Aug. 15, 1899." no other notes appear on said card.

The 1890 Pay-Roll of the Creek Nation examined, and on page 104 thereof is found the following family in one group:

Ahlocchooney;

Sannah;

Babie

Cothlache

Mollie Cothloche

On the 1895 Pay-Roll the following names are found in one group:

505 Ahlocchooney;

506 Sannah;

507 Salowency;

508 Warley.

Opposite the first, third and fourth names appears

"Card No. 402;" opposite second name appears the word "dead" in blue pencil.

- Q Are you positive that Sina Crow died--are you sure she died after the Land Office opened? A I realize it is so. I had already filed for herself and the other two girls.
- Q Why didn't you file for your child Sina? A Filed for her and married off. She and the man went off and then died. She (witness) thought she would (Sina) file for herself. Died before she filed.

Q Do you remember going before a notary public and making out an affidavit of the death of Sina Crow? A Yes, but she don't know the date.

Q The date given in that, is that correct? A If you have got that paper it will be the correct date.

3
Cr A-4.

Cr A-5-----3.

Q Did you sign that yourself? A I can't write; only touched the pen.

Q Do you remember if anyone else made the affidavit with you?

A I helped her (interpreter meaning herself) do it.

An affidavit filed April 26, 1901, executed by Fannie Crow; and Jennetta Tiger, relative to the death of Sina Tiger Crow, is on file.

Q Who is Susie Crow? A That's Sina's child.

Q What was the name of the father of Susie Crow? A Kernal Jack.

Q Was he an Indian? A Creek Indian.

Q Euche? A Tuskegee.

Q Fullblood? A Tuskegee Town.

Q When was Susie born? A Along in October. She was at our house and went home; I think it was in October.

Q Is Susie living? A Dead.

Q How long did she live--how many days or months or years? A Soon as its mother died. She brought baby with her; died a month after its mother's death. Child was sick when she brought it. She had her baby with her when she was struck by lightning.

Q How many days, months or years? A One month.

Q Are you certain it didn't live two months or three months? A No sir; it didn't live two months; just a month.

Q Did you make out an affidavit about that child too? A She made out an affidavit for both of them.

Q Did this woman here help you? A Yes sir.

Jennetta Tiger, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Jennetta Tiger.

Q How old are you? A 37.

Q What is your postoffice address? A Kellyville.

Q You are a Euche Indian? A Creek half breed.

Q Do you know this applicant, Ah-la-co-hon-ney Crow? A Yes sir.

Q Did you know Sina Crow? A Yes sir.

Q What relation was she to this woman? A Daughter.

Q Did you make out an affidavit with her about the death of Sina Crow? A I don't know whether I did; maybe I did; I helped her with it.

Q Is this your signature, here (on an affidavit)? A Yes sir.

Q Is Sina Crow living? A No sir.

Q When did she die? A I don't know just exactly. It seems to me she died in 1901, along in September; sometimes I think it was in August; that's all I remember about it.

Q Do you know in what year the Land Office opened? A 1901, wasn't it?

Q Do you know, Jennetta, what year this is? A 1905.

Q And last year was, the year before? A 1904.

Q The year before that? A 1903.

Q One before that? A 1902.

Q One before that? A 1901.

Q That is five years ago (about) or four, from the time the Land Office opened--four years ago, Jennetta? A Yes sir.

Q I will tell you now that the Land Office opened, in the year 1899? A It is further back to me, it was. It was in August or September of that when Sina Crow died; either the last of August

or the first of September.

Q Of the year the Land Office opened? A We didn't file the first year they opened up, but this was right after we filed.

Q Our records here show that Ah-la-co-hon-ney Crow filed here in May, '99, but this child, Sina Crow, died in August or September in which the mother filed? A I am positive she died the same year we filed.

Q You do state she died--what made her die? A I didn't see her. I heard her mother told us she got struck by lightning, she died. She didn't live that day after.

Q Was Sina as much as 10 years when she died--do you know? A She was more than that.

Q In this affidavit, Jennetta, you stated that Sina Crow--you swear to it and state--this is your signature--that Sina Crow died on August 15, 1899--is that correct, do you remember? A That's correct, but it is so long, I forgot about it. I never--

Q Is that the reason why you stated 1901 a moment ago? A Yes sir.

Q You do not remember--not very well? A Yes sir.

Q Are you positive that she died in August or September of the year in which you filed? A Yes, sir; that's the only way we could get it right.

Q Do you know whether Sina had a child or not? A She was with her; Sina's baby died at our house.

Q What was the name of that child? A Susie.

Q Susie Crow? A Susie Jack. It was Kernak Jack's daughter.

Q Is Kernak living? A Dead too.

Q Did he die before the child? A Has been dead about a year.

Q What was his postoffice address? A Bristow.

Q How old was this child when it died, do you know; you say it died at your house? A I couldn't tell you, she was so small. Baby was not walking yet.

Q You just heard the mother of the child say that it was a month old, didn't you? A It was more than a month old. She says it lived a month after its mother's death.

Q Was not a year old? A It was not a year old; she said it was along in October and she died before next October.

Q Do you know the month the child was born in? A No sir/ except what she said.

Q Do you know in what year it was born? A No sir. The affidavit says '99; it was a year before that.

Q You made an affidavit--this is your signature in this relative to the death of Susie Crow? A That's my hand.

Q That affidavit states that Susie Crow died the 19th day of September '99, is that correct? A I guess that is about correct. The child died at my place. I did not pay attention.

Q Do you know if any affidavit was made out about the birth and death (office record) of Susie? A I don't know anything about it.

Q Had you filed on your land before Susie Crow was born? A That child was already born.

Q Had this woman filed on her land before Susie was born? A Yes sir.

Q How long before, do you know? A We filed in May and this child was born shortly after May. It was already born.

Q How long before this woman filed before the child was born? A

It must be eight months before. It was born in October; that makes eight months from October to May.

Q Do you now state that the child was born in October? A From what she states and everybody goes; they were pulling corn in October. I am going by that. I know when it died. It died in our house. Couldn't walk yet.

Q Couldn't walk when it was---months old? A Yes sir.

Q Theree months old? A Could'nt walk. Could get up and stand around but could not walk alone yet.

Ah-la-cc-honney Crow, recalled: (Jennetta Tiger, sworn in 'p' r)

EXAMINATION BY THE COMMISSION:

Q You said a while ago that your grand daughter, Susie Crow, lived just a month, is that correct? A That is true.

Q I will ask you again, Fannie Crow, how old was this child, Susie Crow, when it died? A She says don't know; must have been nine or ten months. She knows it could get up and step around by holding on. She don't know how old.

Q What did you mean when you said a while ago that it lived only a month? A She meant it lived a month after its mother's death.

Q Why did you state a while ago that the child lived only a month? A You ought to put the question to her just that way.

Q I will ask another question and put it just right: Was Susie Crow born before you filed on the land? A She didn't file yet before the child was born.

Q She didn't file yet ~~when~~ Susie was born--I will ask you again: this child had not been born when you filed? A-----

Q How long after this child was born before you filed? A She said she remembers the child was born in the Fall and the next year in May when she done the filing. She remembers filing in May.

Q Ask her if she remembers making out an affidavit about the death of Susie Crow? A Yes sir.

On a card marked "A-8" appears the name of Susie Crow, Kellyville, Indian Territory. Its name was listed May 24, 1901. There is a notation thereon: "No. 1 died September 18, 1899;" also affidavit executed by Fannie Crow and Jennetta Tiger relative to the death of Susie Crow

Jennetta Tiger, recalled:

EXAMINATION BY THE COMMISSION:

Q Any doctor present when the woman was struck by lightning?

A I guess not. The Indians never have white doctors.

Q Who else was there, when the child was there? A None living but we now. They are all dead.

Q Where did she die? A Near Kellyville.

Q Do you know whether a gravestone or record about the death of either was made? A Mother is buried about Bristow; the child about two miles north of our place.

Ah-la-cc-honney Crow, again recalled (Jennetta Tiger, sworn interpreter):

EXAMINATION BY THE COMMISSION:

Q Why was not application made before this time for the enroll-

ment of Susie Crow? A She had never taken the time to come. Everybody was running here, that's the reason she comes now. The old man would not let her go.

Q What is his name? A George Folsom.

Q Ask her if she knows a man named James Snap? A She says she ought to know.

Q Is he any relation of hers? A Her sister's son.

Q Ask her if she knows Wothroch Fish? A Yes sir.

Q Is he any relation of hers? A She don't know whether he is kin or not; step-son of her husband, George Folsom.

The above mentioned affidavits filed on the dates mentioned, are considered as application for the enrollment of said Sina and Susie Crow (Sina Crow and Susie Jack), as citizens by blood of the Creek Nation.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify upon oath that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Subscribed and sworn to
before me this the 21
of March, 1905.

J. Y. Miller
Edw. B. [Signature]
Notary Public.

RESIDENCE:

POST OFFICE:

Cristow, Ind. Ill.

Nation.

Roll.

CARD NO.

FIELD NO.

A-4

Dawes' Roll No.	NAME.	Relation-ship to Person first Named.	AGE	SEX.	BLOOD.	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.						
						Year.	District.	No.	Name of Father.	Year.	District.	Name of Mother.	Year.	District.	
1	<i>Crow, Sina</i>												<i>Fannie Crow</i>		<i>35</i>
2															
3															
4															
5															
6															
7															
8															
9															
10															
11															
12															
13															
14															
15															
16															
17															
18															

No 1 died August 15th 1899

5/24/1901

CR EN 914

CR EN 914

914

Or A-4
Or A-5

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 4, 1905.

In the matter of the application of Ah-la-coo-hon-ney Crow, et al., appearing on an old card, as Creek citizens.

(NO APPEARANCE).

Ah-la-co-hon-ney Crow (Fannie Crow), being duly sworn, testified as follows (through Jennetta Tiger, sworn interpreter):

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Ah-la-co-hon-ney Crow; in English we call her Fannie Crow.
- Q (To interpreter) Do you know how she is enrolled--this woman?
- A Under Indian name.
- Q Has she got her land? A She has got her deeds.
- Q (For witness) How old are you? A 40.
- Q What is your postoffice address? A Kellyville.
- Q Are you a full-blood Indian? A Full-blood Euchee.
- Q What are the names of some of your children? A One is named Sinar, Mary and Babie.
- Q Is that all? A Yes sir.
- Q Hasn't she a daughter named Mollie? A That's one they call Mary.
- Q What is your father's name? A Hokoletche.
- Q The card shows the name of the father of the child Babie to be Hokoletche? A That's right; that's the name of the children's father. My father was named Chakapany.
- Q Is your father living? A No sir.
- Q What was the name of your mother? A Fannie.
- Q Is Fannie living? A No sir.

The witness, Ah-la-co-hon-ney Crow, is listed on Creek Indian card 402 on May 31, 1899, and her name is contained in a partial list of Creek Indians approved by the Secretary of the Interior March 13, 1902, Roll No. 1294.

- Q You say you had a child named Sina Crow? A Yes sir.
- Q What was the name of his father--Sina Crow's father? A Hokoletche.
- Q Is Sina living? A She is dead.
- Q How old was she when she died? A About twenty years old.
- Q When did she die? A About four years. She died after they commenced filing. Lightning killed her.
- Q Where did she live at the time of her death? A At Bristow; a couple of miles from Bristow.
- Q Who was present when she died? A she (witness) was present after her death. She died at Edmund Harris' house. Edmund Harris' wife took care of her. They sent for this woman here and that woman was just dead when they got there.
- Q Was Hokoletche an Indian? A Euchee.
- Q Fullblood Euchee? A Yes sir.

Or A-4
Or A-B---R.

- Q Did he die before the enrollment began? A Yes sir.
- Q Do you know when the Land Office opened? A I forgot.
- Q I am not asking you to give the date; I want to know if you remember the circumstance--do you remember the happening? A Don't know the exact date, but she thinks this year would make it five years. Don't know exactly.
- Q Does she know what month it was in? A They started up right along in January; she filed along in May for herself.
- Q Was Sina living when you filed for yourself? A Yes, she was living, but she did not file for her; she was not staying with her at that time.
- Q Is that the only reason why you did not file for Sina? A She was not with her when the filing commenced; that is the reason she didn't file.
- Q How long after you filed before she died? A She says she filed in May and her daughter died along in September. Says she thinks it was after August, because they had all been at the Fourth of July, so thinks her death was along in September, she says.
- Q Was Sina Crow ever recognized by the Creek Tribal authorities as a citizen of the Creek Nation? A Recognized as on the Roll.
- Q Did she ever draw any money, or was any money ever drawn for her, either in the '90 or '95 payment? A She drew after that.
- Q Under what name did she draw for Sina Crow? A Under the name Sina.

On card marked "Field No. A-4" appears the name Sina Crow, Bristow, Indian Territory; name of mother, Fannie Crow, dated 8/24/01, with a notation: "No. 1 died Aug. 18, 1899;" no other notes appear on said card.

The 1890 Pay-roll of the Creek Nation examined, and on page 104 thereof is found the following family in one group:

Ahlochooney;	Sannah;
Babie	Cothlache
Mollie Cethloche	

On the 1895 Pay-Roll the following names are found in one group:

505 Ahlochooney;	506 Sannah;
507 Salowency;	508 Warley.

Opposite the first, third and fourth names appears "Card No. 402;" opposite second name appears the word "dead" in blue pencil.

- Q Are you positive that Sina Crow died--are you sure she died after the Land Office opened? A I realize it is so. I had already filed for herself and the other two girls.
- Q Why didn't you file for your child Sina? A Filed for her and married off. She and the man went off and then died. She (witness) thought she would (Sina) file for herself. Died before she filed.
- Q Do you remember going before a notary public and making out an affidavit of the death of Sina Crow? A Yes, but she don't know the date.
- Q The date given in that, is that correct? A If you have got that paper it will be the correct date.

Q Did you sign that yourself? A I can't write; only touched the pen.

Q Do you remember if anyone else made the affidavit with you?

A I helped her (interpreter meaning herself) do it.

An affidavit filed April 26, 1901, executed by Fannie Crow, and Jennetta Tiger, relative to the death of Sina Tiger Crow, is on file.

Q Who is Susie Crow? A That's Sina's child.

Q What was the name of the father of Susie Crow? A Kernal Jack.

Q Was he an Indian? A Creek Indian.

Q Cherokee? A Tuskegee.

Q Fullblood? A Tuskegee Town.

Q When was Susie born? A Along in October. She was at our house and went home; I think it was in October.

Q Is Susie living? A Dead.

Q How long did she live--how many days or months or years? A Soon as its mother died. She brought baby with her; died a month after its mother's death. Child was sick when she brought it. She had her baby with her when she was struck by lightning.

Q How many days, months or years? A One month.

Q Are you certain it didn't live two months or three months? A No sir; it didn't live two months; just a month.

Q Did you make out an affidavit about that child too? A She made out an affidavit for both of them.

Q Did this woman here help you? A Yes sir.

Jennetta Tiger, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Jennetta Tiger.

Q How old are you? A 37.

Q What is your postoffice address? A Kellyville.

Q You are a Cherokee Indian? A Creek half breed.

Q Do you know this applicant, Ah-la-co-hen-moy Crow? A Yes sir.

Q Did you know Sina Crow? A Yes sir.

Q What relation was she to this woman? A Daughter.

Q Did you make out an affidavit with her about the death of Sina Crow? A I don't know whether I did; maybe I did; I helped her with it.

Q Is this your signature, here (on an affidavit)? A Yes sir.

Q Is Sina Crow living? A No sir.

Q When did she die? A I don't know just exactly. It seems to me she died in 1901, along in September; sometimes I think it was in August; that's all I remember about it.

Q Do you know in what year the Land Office opened? A 1901, wasn't it?

Q Do you know, Jennetta, what year this is? A 1906.

Q And last year was, the year before? A 1904.

Q The year before that? A 1903.

Q One before that? A 1902.

Q One before that? A 1901.

Q That is five years ago (about) or four, from the time the Land Office opened--four years ago, Jennetta? A Yes sir.

Q I will tell you now that the Land Office opened in the year 1899? A It is further back to me, it was. It was in August or September of that when Sina Crow died; either the last of August

CR A-4

CR A-6-----2.

or the first of September.

Q Of the year the Land Office opened? A We didn't file the first year they opened up, but this was right after we filed.

Q Our records here show that Ah-la-co-hen-nay Crow filed here in May, '99, but this child, Sina Crow, died in August or September in which the mother filed? A I am positive she died the same year we filed.

Q You do state she died--what made her die? A I didn't see her. I heard her mother told us she got struck by lightning, she died. She didn't live that day after.

Q Was Sina as much as 10 years when she died--do you know? A She was more than that.

Q In this affidavit, Jennetta, you stated that Sina Crow--you swear to it and state--this is your signature--that Sina Crow died on August 15, 1899--is that correct, do you remember? A That's correct, but it is so long, I forgot about it. I never--

Q Is that the reason why you stated 1901 a moment ago? A Yes sir.

Q You do not remember--not very well? A Yes sir.

Q Are you positive that she died in August or September of the year in which you filed? A Yes, sir; that's the only way we could get it right.

Q Do you know whether Sina had a child or not? A She was with her; Sina's baby died at our house.

Q What was the name of that child? A Susie.

Q Susie Crow? A Susie Jack. It was Kernak Jack's daughter,

Q Is Kernak living? A Dead too.

Q Did he die before the child? A Has been dead about a year.

Q What was his postoffice address? A Bristow.

Q How old was this child when it died, do you know; you say it died at your house? A I couldn't tell you, she was so small. Baby was not walking yet.

Q You just heard the mother of the child say that it was a month old, didn't you? A It was more than a month old. She says it lived a month after its mother's death.

Q Was not a year old? A It was not a year old; she said it was along in October and she died before next October.

Q Do you know the month the child was born in? A No sir, except what she said.

Q Do you know in what year it was born? A No sir. The affidavit says '99; it was a year before that.

Q You made an affidavit--this is your signature in this relative to the death of Susie Crow? A That's my hand.

Q That affidavit states that Susie Crow died the 19th day of September '99, is that correct? A I guess that is about correct. The child died at my place. I did not pay attention.

Q Do you know if any affidavit was made out about the birth and death (office record) of Susie? A I don't know anything about it.

Q Had you filed on your land before Susie Crow was born? A That child was already born.

Q Had this woman filed on her land before Susie was born? A Yes sir.

Q How long before, do you know? A We filed in May and this child was born shortly after May. It was already born.

Q How long before this woman filed before the child was born? A

OF A-4

OF A-5-----5.

It must be eight months before. It was born in October; that makes eight months from October to May.

Q Do you now state that the child was born in October? A From what she states and everybody goes; they were pulling corn in October. I am going by that. I know when it died. It died in our house. Couldn't walk yet.

Q Couldn't walk when it was--- months old? A Yes sir.

Q Three months old? A Couldn't walk. Could get up and stand around but could not walk alone yet.

Ah-la-co-honney Crow, recalled: (Jennetta Tiger, sworn in 'p'r)

EXAMINATION BY THE COMMISSION:

Q You said a while ago that your grand daughter, Susie Crow, lived just a month, is that correct? A That is true.

Q I will ask you again, Fannie Crow, how old was this child, Susie Crow, when it died? A She says don't know; must have been nine or ten months. She knows it could get up and step around by holding on. She don't know how old.

Q What did you mean when you said a while ago that it lived only a month? A She meant it lived a month after its mother's death.

Q Why did you state a while ago that the child lived only a month? A You ought to put the question to her just that way.

Q I will ask another question and put it just right: Was Susie Crow born before you filed on the land? A She didn't file yet before the child was born.

Q She didn't file yet ~~when~~ Susie was born--I will ask you again if this child had not been born when you filed? A-----

Q How long after this child was born before you filed? A She said she remembers the child was born in the Fall and the next year in May when she done the filing. She remembers filing in May.

Q Ask her if she remembers making out an affidavit about the death of Susie Crow? A Yes sir.

On a card marked "A-5" appears the name of Susie Crow, Kellyville, Indian Territory. Its name was listed May 24, 1901. There is a notation thereon: "No. 1 died September 18, 1899;" also affidavit executed by Fannie Crow and Jennetta Tiger relative to the death of Susie Crow

Jennetta Tiger, recalled:

EXAMINATION BY THE COMMISSION:

Q Any doctor present when this woman was struck by lightning?

A I guess not. No Indians never have white doctors.

Q Who else was there, when the child was there? A None living but we now. They are all dead.

Q Where did she die? A Near Kellyville.

Q Do you know whether a gravestone or record about the death of either was made? A Mother is buried about Bristow; the child about two miles north of our place.

Ah-la-co-honney Crow, again recalled (Jennetta Tiger, sworn interpreter):

EXAMINATION BY THE COMMISSION:

Q Why was not application made before this time for the enroll-

OF A-5.

Ur A-5-----6.

ment of Susie Crow? A. She had never taken the time to come. Everybody was running here, that's the reason she comes now. The old man would not let her go.

Q. What is his name? A. George Folsom.

Q. Ask her if she knows a man named James Snap? A. She says she ought to know.

Q. Is he any relation of hers? A. Her sister's son.

Q. Ask her if she knows Wothroch Fish? A. Yes sir.

Q. Is he any relation of hers? A. She don't know whether he is kin or not; step-son of her husband, George Folsom.

The above mentioned affidavits filed on the dates mentioned, are considered as application for the enrollment of said Sina and Susie Crow (Sina Crow and Susie Jack), as citizens by blood of the Creek

Nation.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify upon oath that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Subscribed and sworn to
before me this the 21
of March, 1905.

J. Y. Miller

E. W. Edwards

Notary Public

Sn 913.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Sims Crow et al., as citizens by blood of the Creek Nation.

SUPPLEMENTAL STATEMENT.

The records of the Commission show that Kernal Jack was
listed for enrollment May 2, 1901, on Creek Indian Card, Field No.
3729, and that his name is contained in the partial list of citizens
by blood of the Creek Nation approved by the Secretary of the Interior
March 28, 1902, Roll No. 3842.

The records of the Commission further show that said
Kernal Jack died February 16, 1903.

The records of the Commission further show that a citizen-
ship certificate was issued to Fannie Crow May 31, 1909.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

May 16, 1905

Commissioner

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S. D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-ooOoo-

In the matter of the application for the enrollment of Sina Crow and Susie Crow, both deceased, as citizens by blood of the Creek Nation.

DECISION.

The records of the Commission show that Sina Crow and Susie Crow were listed for enrollment May 24, 1901, on Creek Indian Cards, Field Numbers A 4 and A 5, respectively.

Further proceedings were had March 4, 1905, and May 16, 1905. The evidence shows that said Susie Crow and said Sina Crow were born prior to April 1, 1899, and that they died subsequent to said date.

The evidence further shows that the name of said Sina Crow, deceased, as Sannah, appears on the 1890 Authenticated Tribal Roll and the 1895 Pay Roll of the Creek Nation.

It further appears from the evidence that said Susie Crow, deceased, was the minor child of said Sina Crow and of Kernal Jack, and that the name of said Kernal Jack is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior March 28, 1902.

It is, therefore, the opinion of the Commission that said Sina Crow, deceased, and said Susie Crow, deceased, should be enrolled as citizens by blood of the Creek Nation, in accordance with the provisions of the Acts of Congress of June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee Indian Territory,

JUN 14 1905

Muskogee, Indian Territory, June 16, 1906.

~~M. J. 1906~~

Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sina Crow and Susie Crow (both deceased) as citizens by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no protest has been made, said Sina and Susie Crow (deceased) will be regularly listed for enrollment as citizens by blood of the Creek Nation.

Respectfully,

James Bixby

Chairman.

RESIDENCE:

POST OFFICE:

Kellyville, Ind. Ill.

Nation.

Roll.

CARD NO.

FIELD NO.

A-5

Dawes' Roll No.	NAME.	Relationship to Person first Named.	AGE	SEX.	BLOOD.	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.						
						Year.	District.	No.	Name of Father.	Year.	District.	Name of Mother.	Year.	District.	
1	<i>Crow, Susie</i>														
2															
3															
4															
5															
6															
7															
8															
9															
10															
11															
12															
13															
14															
15															
16															
17															
18															

No. 1 died September 19th 1899.

May 24th 1901

CR EN 915

CR EN 915

367

C. 3640

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, I. T., October 20, 1904.

In the matter of the application for the enrollment of Hoplin Gooden, deceased, as a citizen by blood of the Creek Nation.

JIM DEERE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

- Q What is your name? A Jim Deere.
Q How old are you? A About fifty.
Q What is your post office? A Carson.
Q Are you Town King of Tulmachussee Town? A Yes, sir.
Q Do you know Hoplin Gooden? A Yes, sir.
Q Is he living or dead? A He is dead.
Q Was that a woman? A A man.
Q How long has he been dead? A I cannot swear when he died but according to my best recollection he died before the land office opened. I remember the section lines were blazed at the time he died and the section corners indicated by corner-stones. I can't swear whether it was before or a little after the land office opened. Perhaps the only person that would know when he died would be his mother.
Q Who is his mother? A Hannah Jones.
Q What is her post office address? A Carson.
Q Was he living or dead when the Commission first went around over the nation taking the names of the people? A I remember quite distinctly when the Commission was going over the country getting the names of people for they came to my house but I cannot fix the date by that.
Q I want to give you a blank death affidavit and I wish you would have Hannah Jones fill it out and swear to it before a notary public, giving the date of his death, and mail it to the Commission? A All right.

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I, D. G. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. G. Skaggs

Subscribed and sworn to before me this 4th day of November 1904.

Charles L. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 Carson, I. T., January 27, 1905.

In the matter of the application for the enrollment of Hoplin Gooden, deceased, as a citizen by blood of the Creek Nation.

JAMES SPANIARD, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A James Spaniard. My town name is Neha Rhloocoche but I am enrolled as James Spaniard.
- Q What is your age? A About forty-three.
- Q What is your post office address? A Carson.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q To what town do you belong? A Tulumachussee.
- Q Did you know Hoplin Gooden? A Yes, sir, I was well acquainted with him.
- Q Do you know when he died? A I was present at his burial and remember the circumstance of his death quite distinctly but I cannot say how many years it has been.
- Q What time of the year did he die? A I think he died in the summer-time.
- Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
- Q Did he die before or after the opening of the Creek Land Office? A He died before the land office was opened.
- Q Had the section lines been established at the time he died? A He died at the time the section lines were being platted through this part of the country. I remember that he talked a good deal about the opening of the section lines during his last illness and wandering where he should select his allotment. This caused some comment among the Indians who were opposed to allotment.
- Q How old was he at the time he died? A He was a grown man--a bachelor.
- Q Who were his parents? A Hannah was his mother.
- Q She is sometimes known as Hannah Jones? A Yes, sir.
- Q Who was his father? A Kamamee.

HANNAH JONES, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Hannah Jones.
- Q How old are you? A Probably about seventy.
- Q What is your post office address? A Carson.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q To what town do you belong? A Tulumachussee.
- Q Did you know Hoplin Gooden? A He was my son.
- Q When did he die? A I do not know.
- Q Do you remember the circumstance of the opening of the Creek Land Office? A I heard of the land office being opened.
- Q Did Hoplin die before or after you heard of the land office being opened? A I do not know, but remember that he died when the Survey Party were plating the section lines and setting up corner-stones. The blazes on the trees were fresh.
- Q Are you positive that he died at that time? A Yes, sir. They had just about completed their work here when he died.

C. 3640.---2.

Q Was there any record made of his death? A Thomas Wilson made a record.

Q Where does he live? A Right near here.

The witness presents a small memorandum-book containing the dates of birth and death of various persons and other records, among others the following written in the Creek Language which is translated by the official interpreter:

"Tulmachussee, Dec. 17th 1900.

Hoppely Gooden ended his days. He was converted to the Christian faith and died at seven o'clock on the evening of the next day."

Q When was this record made? A I do not know just when he made the record but I think it was made the next day. It is a sort of family record.

Q How many years has it been since Hoplin died? A I think he has been dead between three and four years.

Q Had any one in your neighborhood made selection of land at the time he died? A I think Neha Thlocoche had filed upon his land when Hoplin died.

Q How old was he at the time of his death? A I do not know his age but he was born the Spring following the return of the Creeks from the south after the Civil War.

Q Who was Hoplin's father? A Kammamee.

Q Why have you not made application for the enrollment of Hoplin? A I have been notified by the Commission to furnish testimony but I was unable to make the trip to Muskogee, not having the means.

ROBERT BRUNER, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A Robert Bruner.

Q How old are you? A About forty.

Q What is your post office address? A Carson.

Q Are you a citizen of the Creek Nation? A Yes, sir.

Q To what town do you belong? A Tulmachussee. I am a member of the House of Warriors for my town.

Q Did you know Hoplin Gooden? A Yes, sir.

Q What relation was he to you? A He was a son of my uncle.

Q Do you know when he died? A He died the 18th day of December, 1900.

Q How do you fix the date? A I made a record of his death.

Q Have you that record? A Yes, sir.

Witness presents a pocket memorandum-book containing various records and accounts, among others the following:

"Harple Goodie his died Dec 18th 1900."

Q Does Harple Goodie refer to Hoplin Gooden? A Yes, sir, that is the Indian way of spelling the name.

Q When did you make this record? A I made the record a day or two after he died. He died before bedtime on the evening of the 18th.

Q Were you present at his death? A I had been with him all day but had come home when he died.

Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.

Q Did he die before or after the opening of the land office? A I do not know exactly when the land office opened. I only remember the circumstance. I do not think that Hoplin was living at the time the Commission was at Okmulgee enrolling citizens.

Q How many years do you think it has been since he died? A It has been about five years I think.

Q Had the section lines been established in your neighborhood when

O. 3640.---3.

he died? A. He was living at the time the section lines were established in the neighborhood--I think he died shortly afterwards.
Q. Who were his parents? A. Hannah Jones and Kamamee. His father has been dead a long time.

THOMAS WILSON, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q. What is your name? A. Thomas Wilson.
Q. How old are you? A. About thirty-six.
Q. What is your post office address? A. Carson.
Q. Are you a citizen of the Creek Nation? A. Yes, sir.
Q. To what town do you belong? A. Hickory Ground.
Q. Did you know Hoplin Gooden? A. Yes, sir.
Q. Do you know when he died? A. I don't remember exactly but I have a record of his death.

Witness presents memorandum-book, containing various records and accounts. Upon Page 27, appears an entry, written in the Creek language, which is translated by the official interpreter as follows:

"Dec. 17th 1900

Tulmachussee Town.

"On Dec. 17th 1900 Hopely Gooden was converted to the Christian Faith and died on the evening of the next day at 8 o'clock."

Q. When did you make this record? A. I transcribed this record from the record which Hannah Jones has.
Q. Did you make the record which Hannah Jones has? A. Yes, sir.
Q. When did you make that record? A. A day or two after Hoplin died.
Q. How old was Hoplin Gooden at the time of his death? A. He was older than I am.
Q. What relation was he to you? A. He was my wife's brother.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 7 day of February, 1905.

D. C. Skaggs
Edw. L. Jones
Notary Public.

P. D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Hoplin Gooden, deceased, as a citizen by blood of the Creek Nation.

SUPPLEMENTAL STATEMENT.

1890 Authenticated Tribal Roll of the Creek Nation examined
and the applicant herein is identified thereon at page 206, Tulmo-
chussee Town, as Hopty Gooden.

1895 Pay Roll of the Creek Nation, Tulmo-chussee Town exam-
ined and the applicant herein is identified thereon at No. 7, as
Hoplin Gooden.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Commissioner.

Muskogee, Indian Territory.

May 22, 1905.

A. D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Hoplin Gooden, deceased, as a citizen by blood of the Creek Nation.

DECISION.

April 27, 1901, the name of Hoplin Gooden was listed for enrollment as a citizen by blood of the Creek Nation on Creek Indian Card, Field No. 3640. Further proceedings were had October 20, 1904, January 27, and May 22, 1905.

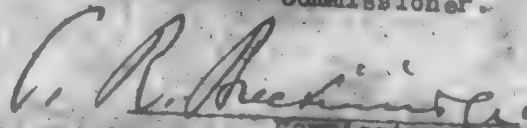
The evidence shows that said Hoplin Gooden, deceased, was born prior to April 1899, and that he died December 18, 1900.

The evidence further shows that said Hoplin Gooden, deceased, is identified on the 1890 Authenticated Tribal Roll of the Creek Nation, and on the 1895 Pay Roll of said Nation.

It is, therefore, the opinion of the Commission that said Hoplin Gooden, deceased, should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.
Commissioner.


Commissioner.

Muskogee, Indian Territory,
JUN 14 1905

Or En 918

Muskogee, Indian Territory, June 15, 1905.

M. L. Holt,

Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Hoplin Gooden (deceased) as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no protest has been filed, said Hoplin Gooden (deceased) will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

JM-16-9

✓
En.915

Muskogee, Indian Territory, September 30, 1905.

Jim Deers,

Carson, Indian Territory.

Dear Sir:

You are advised that the name of Hoplin Gooden, deceased, is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior September 21, 1905, and that selection of lands in the Creek Nation may now be made by his legal representative for the heirs of said Hoplin Gooden, deceased.

Respectfully,

Commissioner.

RESIDENCE:

POST-OFFICE: *Wetumka, Ind. Ter*

Nation.

Roll.

CARD NO.

FIELD NO. *3640*

DAWES' ROLL No.	NAME.	Relation-ship to Person first Named.	AGE	SEX	BLOOD	TRIBAL ENROLLMENT		TRIBAL ENROLLMENT OF PARENTS			
						Year.	No.	Name of Father.	Year.	Name of Mother.	Year.
	<i>Gooden. Hoplin</i>		<i>33</i>	<i>m</i>	<i>Sull</i>	<i>1890</i>	<i>Tulmochussee</i>	<i>Kamima</i>	<i>Dead</i>	<i>Kannah Jones</i>	<i>1890</i>
<i>2</i>											
<i>3</i>											
<i>4</i>											
<i>5</i>											
<i>6</i>											
<i>7</i>											
<i>8</i>											
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<i>12</i>											
<i>13</i>											
<i>14</i>											
<i>15</i>											
<i>16</i>											
<i>17</i>											
<i>18</i>											

*No 1 on 1890 Roll as "Hopty Goody."**" 1 " 1895 " No 7.**Made for proof of death of Nov 12-1902**Feb 8, 1905; No 1 died Dec 18, 1900; See testimony attached.**April 27, 1901*

CR EN 9/6

CR EN 9/6

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

April 24 - 1900

In the matter of the right to enrollment of Mindy and Mary Deere as citizens by blood of the Creek Nation.

Lizzie Deere being duly sworn, testified as follows: *Thos. Official*

- Interpretor Lone Mchick*
- Q What is your name? A Lizzie Deere.
Q What is your age? A I don't know. (Witness appears to be about 26.)
Q What is your post office address? A Burney.
Q What is the name of your father? A Febe Berryhill.
Q Was your name as Berryhill was it not? A Yes sir.
Q Have you a child named Mindy? A Yes sir.
Q Is Mindy living now? A Yes sir.
Q How old is Mindy? A I don't know.
Q Did you write down in a book or on a piece of paper anywhere the date of the birth of Mindy Deere? A Yes sir, my husband has a little book that he put the dates of the birth and death of the children. I had it copied from that.
Q Was the record on this piece of paper copied out of that book?
A Yes sir.

The record presented by the witness contains the dates of the birth of these two children; the first one is Mindy Deere was born on the 31-st day of October, 1897.

- Q Mindy Deere is living, is she not? A Yes sir. (Child is present and appears to be about the age as indicated.)
Q What is the name of Mindy's father? A John Deere.
Q Is he living? A Yes sir.
Q Is he a citizen of the Creek Nation or a Seminole citizen?
A He is a Seminole citizen.
Q Have you ever tried to have Mindy enrolled as a Seminole?
A No sir.
Q Have you ever tried before to have her enrolled as a Creek?
A No sir, this is the first time I have been before the Commission.
Q Why did you never tried before? Well, because I was poor and could not afford to come.

By the Commission. The interpreter states that in a conversation with the witness, the real reason why she has never appeared before the Commission, was, that her husband was a Snake and was opposed to allotment of land in exchange for severalty.

- Q Have you a child named Mary Deere? A Yes sir.
Q Has Mary the same father as Mindy? A Yes sir.
Q Have you ever tried to have Mary Deere enrolled as a Seminole?
A No sir.
Q Have you ever tried to have Mary Deere enrolled as a Creek?
A No sir.
Q Have you ever made out an affidavit about the births of these children and sent it in to the Commission? A No sir.
Q When was Mary Deere born? A Its in that piece of paper. (Pointing to paper on desk).
Q Did you copy this piece of paper from the record that your husband had? A Yes sir.

The slip of paper referred to is the following entry: "Mary Deere was born on the February 17, 1900."

Q Mary is living, is she not? A Yes sir. (Child is present and appears to be about the age indicated.)
Q In case it should be found that your children Mindy and Mary Deere were entitled to enrollment in either of the Creek or Seminole Nations, in which Nation do you elect to have them enrolled and receive their allotment of land? A In the Creek Nation.

-----OOO-----

Joseph Tiger being duly sworn, testified as follows:

Q What is your name? A Joseph Tiger.
Q What is your age? A About 47.
Q What is your post office address? A Burney.
Q Do you know Lizzie and John Deere? A Yes sir.
Q Do you know a child of theirs named Mindy? A Yes sir.
Q About how long have you known Mindy? A I have known her all her life.
Q About how many years has that been? A I don't know, but its a good many years.
Q Was she born before the Land Office opened? A Yes sir.
Q Do you know a child of theirs named Mary? A Yes sir.
Q Was Mary born before or after the Land Office opened?
A Yes sir, she was born before the Land Office opened.
Q Is this child Mindy Ezz Deere? (Pointing to the child previously indicated)? A Yes sir.
Q And is this Mary Deere? (Also pointing) Yes sir.

Lizzie Berryhill, the mother of the children is identified on Creek Indian Card, Field No. 3013 as Lizzie Berryhill, and her name is contained in the partial list of Creek Indians by blood, approved by the Secretary of the Interior, March 28, 1902. This card was prepared May 23, 1901. There is a note on said card written in the same hand writing and apparently at the same time as the balance of the card, No. 3, (Lizzie Berryhill) has three children, Hopsy listed hereon; Mindy age five not enrolled and one other about three years old.

Lona Merriock, being duly sworn states that the above and foregoing is a true and correct transcript of her stenographic notes of said proceedings on said date in said cause.

Lona Merriock

Subscribed and sworn to before me this 24, 12 day of April, 1905.

My commission expires April 11, 1909.

John O. Parson
Notary Public.

Commission to the Five Civilized Tribes,
Seminole Enrollment Division.

Gentlemen:

The testimony heard before the Commission April 24, 1905, in the matter of the right to enrollment of Mindy and Mary Deers as citizens by blood of the Creek Nation, it is stated that the father of said children is John Deers, a citizen of the Seminole Nation. You are requested to advise the Creek Enrollment Division whether application has been made for the enrollment of said Mindy and Mary Deers or either of them, as citizens of the Seminole Nation, and if so what disposition has been made of such application. A copy of the testimony taken on April 24, 1905, is herewith enclosed.

Respectfully,

Enc.
85-5-19-1905.

Chairman.

COMMISSIONERS
TAMM DICKET,
THOMAS A. WHEELER,
C. E. BRICKENRIDGE,
Wm. C. HALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPORT IS MADE TO THE FOLLOWING
Creek
No. 825

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 25, 1905.

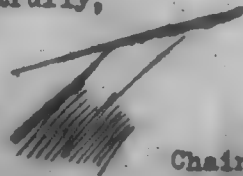
Henry G. Hains,
Chief Clerk, Creek Enrollment Division,
General Office,

Dear Sir:-

In the matter of the application for the enrollment of Minda Deere as a citizen of the Creek Nation, you are advised that Creek Land Contest No. 825 entitled Minda Deere, a minor, by Lizzie Deere, nee Berryhill, her next friend and natural guardian, contestant, versus Luisa Beartail and John Beartail, heirs of Eliza Timothy, deceased, contestee, has been held open pending the determination of said application.

As soon as this application has been finally passed upon by the Honorable Secretary of the Interior you will advise the Allotment Contest Division of the Commission, so that the contest above referred to may be disposed of in the regular way.

Respectfully,



Chairman

COMMISSIONER:
TAMM HENRY,
THOMAS A. HENNING,
C. E. HENNINGER,
WM. O. HALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPORT ON APPLICATION TO THE COMMISSION
Creek No. 826

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 25, 1905.

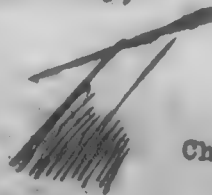
Henry G. Hains,
Chief Clerk, Creek Enrollment Division,
General Office,

Dear Sir:-

In the matter of the application for the enrollment of Minda Deere as a citizen of the Creek Nation, you are advised that Creek Land Contest No. 826, entitled Minda Deere, a minor, by Lizzie Deere, nee Berryhill, her next friend and natural guardian, contestant, versus Malinda Hope, nee Thompson and Emma Canard, heirs of Wiley Blackgrass, deceased, contestees, has been held open pending the determination of said application.

As soon as this application has been finally passed upon by the Honorable Secretary of the Interior you will advise the Allotment Contest Division of the Commission, so that the contest above referred to may be disposed of in the regular way.

Respectfully,



Chairman

✓ NF

REPLY IN REPLY TO THE FOLLOWING:
.....
.....
.....

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 25, 1905.

Chief Clerk,
Creek Enrollment Division.

Dear Sir:

In reply to your letter of May 19, 1905 (En. 916) in which you request that you be advised as to whether an application has been made for the enrollment of Mindy and Mary Deere, children of John Deere, as citizens of the Seminole Nation, you are advised that it does not appear from an examination of the records of this office that any application was ever made to the Commission to the Five Civilized Tribes for the enrollment of said Mindy and Mary Deere or either of them as citizens of the Seminole Nation.

Respectfully,


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mindy Deere and Mary Deere as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that prior to September 1, 1904, there was received by the Commission to the Five Civilized Tribes information of the existence of two minor children of Lizzie Deere, formerly Lizzie Berryhill, which said information is considered as an application for the enrollment of Mindy Deere and Mary Deere, who are identified as the two children to whom said information relates, as citizens by blood of the Creek Nation. Further proceedings were had April 24, 1905.

The evidence shows that said Mindy Deere and Mary Deere are the minor children of Lizzie Deere, and that said Lizzie Deere is identified as Lizzie Berryhill on the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, Roll No. 8239.

The evidence further shows that said Mindy Deere was born October 31, 1897, that said Mary Deere was born February 17, 1900, and that both of said children were living at the date of the last proceedings herein.

It is, therefore, ordered and adjudged that said Mindy Deere is entitled to be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and that said Mary Deere is entitled to be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress approved March 1, 1901 (31 Stats., 861), and the application for their enrollment as such is accordingly granted.

Muskogee, Indian Territory.

NOV 11 1905


Commissioner.

Apr 22nd 1905-

Melvin L. was born on the 31st day
oct. 1895

Mary Heere was born on the Feb 11 - 1900

Willy Boere was born the 26th day of oct
1903

Creek Enroll. Case #916.

Cr Sn 916

Muskogee, Indian Territory, November 13, 1905.

E. L. Kott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Mindy Deere and Mary Deere as citizens by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and, if at the expiration of that time, no protest has been filed, said Mindy and Mary Deere will be regularly listed for enrollment as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

JTM-15-4

Or En 916

Muskogee, Indian Territory, January 10., 1906.

Lizzie Deere,

Care of John Deere,

Burney, Indian Territory.

Dear Madam:

You are hereby advised that the names of your minor children, Mindy and Mary Deere, are contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior January 4, 1906, and that application for selections of land in the Creek Nation for said children may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

CREEK NATION.

TO THE CLERK OF THE LAND OFFICE AT MUSKOGEE:

This is to certify that the name of

*Mary Moore*Age *5*

and the names of the following

persons whom he represents, to-wit:

NAMES.	Relationship To Person First Named	AGE.
<i>is an applicant for enrollment as a citizen by blood of the Creek Nation under the provisions of the Act of Congress of March 1, 1901, (31 Stat. 861).</i>		

Mentioned
An ~~appeal~~ on Creek*Indian*Card, Field No. *3013*

of record in the office of the Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

*April 24*A. D. *1905**Tams Birby**D. D.*

Chairman.

Returned
April 25—
parents decided
not to file at
this time

CR

EN 917

CR EN 917

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MARCH 10, 1905.

-ooOoo-

In the matter of the application for the enrollment of Johnny Batts, deceased, and Arbella Batts as Creek Freedmen.

APPEARANCE: M. J. MOTT, Attorney for Creek Nation.

REED BATTS, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Reed Batts.
Q How old are you? A Will be 29 the 21st day of this month.
Q What is your postoffice address? A Grayson, I. T.
Q Have you a child named Johnny Batts? A Yes, sir.
Q Is Johnny living or dead? A Dead.
Q When was Johnny born? A February 14th.
Q What year? A 1901.
Q In what year was Johnny born? A 1899.
Q What month and what day? A February 14th, 1899.
Q Is he living? A No, he is dead.
Q When did he die? A The 15th of June.
Q What year? A 1899.
Q Who attended at the birth of Johnny? A Mary Hawkins.
Q Was there any one else present? A No, sir.
Q Do you know anybody that was at the funeral of Johnny? A Yes.
Q Name some people that were present at his funeral? A Janey Shepard and ~~W~~ Victoria Scott.
Q Did you put down in a book or anywhere the dates of the birth and death of Johnny Batts? A Yes, sir.
Q What kind of a book? A A bible.
Q Did you write it yourself? A I did.
Q How long after Johnny's birth before you set it down in that bible? A Next day.
Q How long after his death before you put it down? A I did not put that down at all, just put down the date of his birth.
Q Why did you wait until 1904--more than five years after Johnny's death before you came in and applied for him? A I got to reading the treaty and I saw that I had a right to file for him.
Q What treaty was that? A The Creek Treaty. I had both the supplemental and the Creek too---I read the Creek Treaty.
Q What is the name of Johnny's mother? A Henrieta Batts.

Henrietta Batts is identified on Creek Freedmen Card, Field Number 155, and her name is contained in the list of Creek Freedmen, approved by the Secretary of the Interior, March 13, 1902, Roll Number 566.

- Q Have you a child named Godfrey? A Yes, sir.
Q Is he living? A Yes, sir.
Q How old is he? A He was five years old January 31st, last.
Q Last January? A Yes.
Q Then he is five years old now? A Yes, sir.
Q That would make him born in 1900? A Yes, sir.
Q Godfrey, then, is younger than Johnny is he? A Yes, sir.
Q When you came up here to enroll Godfrey why did you not put in Johnny's name? A I did not know I could; I asked Mr. Leaver, and

Batts--- #2.

he said he didn't think I could, and I did not know until I got to reading the treaty.

- Q How long after Johnny was born before Godfrey was born? A About eleven months.
- Q How long had Johnny been dead before Godfrey was born? A About seven months.
- Q Did you file for your wife's land or did she? A She did.
- Q Do you remember when that was? A In October 1899, I think, at Okmulgee.
- Q How long had Johnny been dead when she filed on her land? A Johnny had been dead from June up to October.
- Q How many months was that? A Five months.
- Q Have you a child named Arbella Batts? A Yes, sir.
- Q When was she born? A May 23, 1902.
- Q Are you sure that year---1902--is correct? A Yes, sir.
- Q How long has she been dead? A Two years this coming May, 1905.
- Q That would make her born in 1903? A Yes, that is right.
- Q Is she living? A Yes, sir.
- Q When did you see her last? A Yesterday.
- Q Who were present at her birth? A Mary Hawkins.
- Q Did you write down in a bible or anywhere the date of her birth? A Yes, I have it.

Witness is notified to bring in his wife, the mother of Johnny and Arbella Batts, and the mid-wife who attended her at the birth of both children, and also the bible record containing the dates of the birth of these children. Witness will be allowed thirty days within which to submit said testimony.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zera Ellen Parrish

Subscribed and sworn to before me this 21 day of March, 1905.

Edw. C. Sweeney
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MARCH 13, 1905.

--ooOoo--

In the matter of the application for the enrollment of
Johny Batts as a Creek Freedman.

HENRIETTA BATTS, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Henrietta Batts.
Q How old are you? A 29.
Q What is your postoffice address? A Grayson.
Q Have you a child named Johny Batts? A Yes, sir.
Q Is he living or dead? A Dead.
Q When was he born? A February 14, 1899.
Q How long did he live? A Until June 15th.
Q How old was he when he died? A Four months and one day
Q Why did you wait until the last of August, 1904, before you filed
application for Johny? A At the time I did not ^{know} I could file;
he died before filing begun and we did not find out until we got
a treaty.
Q When did you enroll yourself? A In 1899.
Q Was Johny born then? A Yes, because I filed in October, 1899---
he was born in February, but I filed after his death.
Q Did they ask you the names of all your children? A Yes, but I
had none living.
Q Did they ask you anything about your dead child? A Yes, I
told them that I was the mother of one child but he was dead.
Q Did you tell them when Johny was born? A No, sir.
Q Who was present when Johny was born? A My mother and one of
my sisters.
Q Did you write down in a book or anywhere when Johny was born?
A Yes, in a bible.
Q Did you bring the bible with you? A No, sir.
Q Did we not tell your husband to send or bring in that bible? A He
did not tell me anything about it.
Q Did you write down when he died? A Yes, sir.

MARY HAWKINS, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Mary Hawkins.
Q How old are you? A 55.
Q What is your postoffice address? A Grayson.
Q Did you know Johny Batts? A Yes, sir.
Q Were you present at his birth? A Yes, sir.
Q You were mid-wife, were you? A Yes, sir.
Q When was he born? A In February sometime.
Q Do you know the year? A No, sir, I cannot read and write and
don't try to keep up with the days and months.
Q How long did Johny live? A About four months.
Q What time of the year was he born? A In February.
Q Do you know the month that he died in? A He lived about four
months. He died in about the month of June.

Johny Batts....#2.

- Q Do you know why they waited so long before they filed for Johny? A I do not know, but I guess they did not know they could file for him. They did not know they could file for dead children.
- Q How many years ago since he was born, can you count it back?
A No, sir.

JANE SHEPARD, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Jane Shepard.
- Q How old are you? A Thirty-three my birthday.
- Q What is your postoffice address? A Grayson.
- Q Did you know a child of Henrietta Batts named Johny Batts? A Yes, sir.
- Q How many years has it been since he was born? A About six years and a couple of months.
- Q Do you know the month he was born in? A Yes, February.
- Q How do you know that? A Well, I just remember is all I can tell.
- Q What relation are you to Johny Batts? A He is my nephew.
- Q Have you any children of your own? A Yes, sir.
- Q Name the oldest one? A Sampson Horn.
- Q What year was he born? A July, 1891.
- Q How old is he now? A About fourteen years old--that is he will be fourteen years old his birthday--he is thirteen past now.
- Q Do you know what day of the month to-day is? A I do not know that I can tell exactly but it is about the 13th or 14th.
- Q Were you present when Johny Batts was born? A Yes, sir.
- Q When did he die? A In June, about the 15th.
- Q Did he die the same year in which he was born? A Yes, sir.

VICTORIA SHERMAN, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Victoria Sherman.
- Q How old are you? A 27.
- Q What is your postoffice address? A Grayson.
- Q Do you know a child of Henrietta Batts named Johny? A Yes, sir.
- Q How many years ago was he born? A Six years and two months, I believe.
- Q Were you present when he was born? A Yes, sir.
- Q How long did he live? A Four years..
- Q How long? A Oh! Four months.
- Q Now, which was it four years or four months? A Four months.
- Q What month did he die in? A In June.
- Q What year was he born in? A 1899.
- Q What month? A February.
- Q How do you remember the date that he was born? A By setting it down.
- Q Did you write it down? A No, his mother did.
- Q What did she write it in? A A Bible.
- Q Have you looked at it lately? A Yes, sir.
- Q When? A I cannot tell that.
- Q Did she write that in the bible with a pen or pencil? A Pencil.
- Q Was that written in a Bible or Testament? A Bible.
- Q What size was it? A It was a family Bible.
- Q You may show with your hands about how large that bible is? A Witness shows that bible is an ordinary size.
- Q Have you any children of your own? A Yes, Frances Scott.
- Q When was Frances born? A In 1898.
- Q How old was your child before Johny was born? A I do not know--a little over a year---I could not tell exactly.

Johnny Batts...#3.

Q What month was Frances born? A February 3rd.

Henrietta Batts, recalled, is notified that it will be necessary for her to bring before the Commission the Bible in which are set down the dates of the birth and death of Johnny Batts.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zera Ellen Parrish

Subscribed and sworn to before me this 15 day of March, 1905.

Edw. C. Sweeney
Notary Public.

BA-526-B & DA-144.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, APRIL 24, 1905.

-ooOoo-

In the matter of the application for the enrollment of
Arabella and Johnny Batts as Creek Freedmen.

REED BATTS, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Reed Batts.
Q How old are you? A Twenty-eight now.
Q What is your postoffice address? A Grayson, I. T.
Q Are you a citizen of the Creek Nation? A Yes.
Q Are you the father of Johnny and Arabella Batts? A Yes.
Q Did you bring in the bible containing the dates of the birth of those children? A Yes.
Q Have you it with you now? A Yes.

Witness presents large family bible for the inspection of the Commission and on pages designated "Family Record" are found, among other names, the names of Johnny Batts and Arabella Batts.

Arabella Batts, the record states, was born May 23, 1903.

Johnny Batts, the record states, was born February 14, 1899, and died June 15, 1899.

The word "Johnny" in the name Johnny Batts is written over an erasure of some kind, and the entire date of his birth is written over an erasure.

The record in regard to one or two other parties mentioned on said pages also seem to be written over erasures.

- Q What did you erase in this record about the birth of Johnny Batts? A I did not erase anything; I wrote it and tried to get it straight and kept on rubbing it until it got rough.
Q You did not own this bible when he was born did you? A No.
Q How long after he was born before you bought the bible? A I bought it last year; I do not know just what time but it was in April.
Q You bought it just last year? A Yes, sir.
Q Did you ever have the date of Johnny's birth written down in any other book or on paper anywhere before you bought this bible? A I had it written on a piece of paper.
Q When did you write it on paper? A The time it was born.
Q When you were here before you were asked:
 "Q Did you put it down in a book or anywhere--the dates of the birth and death of Johnny Batts? A Yes, sir."
 "Q What kind of a book? A A bible."
 "Q Did you write it yourself? A I did"
 "Q How long after Johnny's birth before you set it down in that bible? A Next day."
 "Q How long after his death before you put it down? A

Batts.. #2.

I did not put that down at all, just put down the date of his birth."

- Q You put down the date of his death since you were here the last time did you? A No.
- Q But you said in your testimony that you did not put down the date of his death at all? A I had it down; I made a mistake.
- Q You said that you put down the date of his birth the next day after he was born, and now you state that you did not get the bible until last year? A I made a record on paper and then copied it from that into the bible.
- Q What did you do with the paper after you copied it? A Threw it away.
- Q How long did Johnny live? A You want it by the months do you?
- Q Yes, how many months did Johnny Batts live? A About four months as near as I can get at it.
- Q Is Arabella Batts living? A Yes.
- Q When was she born? A May 23, 1903.
- Q Did you have this bible when she was born? A No, I bought it last year, and she was born year before last.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Subscribed and sworn
to before me this 9th day
of May, 1905.

Zera Ellen Parrish

Edw. B. Shreeve
Notary Public.

144.

32

IN RE
THE DEATH OF

Johnny Batts

a citizen of the

Creek

Nation.

Approved

190

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED

TRIBES

August 31, 1904

W. H. H. H. H. H.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Johnny Batt
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Grayson, Ind. Ter., and died on the 15 day of
June, 1899.
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
District of Western.

I, Henrietta Batt, on oath state that I am 28
years of age and a citizen, by Freedom, of the Creek Nation;
that my postoffice address is Grayson, Ind. Ter.; that I am
The Mother of Johnny Batt
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Freedom, of the Creek Nation;
and that said Johnny Batt died on the 15 day of
June, 1899.
(Here insert name of deceased.) Henrietta Batt

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Jeff Gooden
Chas. Harrison

Subscribed and sworn to before me this 30 day of August, 1904.

W. H. Harrison
Notary Public.

my Commission expires 10/17/06

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
District of Western.

I, Carrie Bruner, on oath state that I am 23
years of age, and a citizen by Freedom, of the Creek Nation;
that my postoffice address is Grayson, Ind. Ter.;
(Here insert name of postoffice.)
that I was personally acquainted with Johnny Batt
(Here insert name of deceased.)
who was a citizen, by Freedom, of the Creek Nation;
and that said Johnny Batt died on the 15 day of
June, 1899.
(Here insert name of deceased.) Carrie Bruner

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Jeff Gooden
Chas. Harrison

Subscribed and sworn to before me this 30 day of August, 1904.

W. H. Harrison
Notary Public.

my Commission expires 10/17/06

IN RE

Application for Enrollment of

INFANT CHILD

Johnny Watts

as a citizen of

Creek Nation.

Approved..... 190.....

Commissioner.

Aug 31/04

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,
 of Johnny Batt (Here insert name of child), born on the 14 day of Feb, 1899

Name of Father: Paul Batt a citizen of the Creek Nation.

Name of Mother: Henrietta Batt a citizen of the Creek Nation.

Post-office Grayson Indian Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Western District.

I, Henrietta Batt, on oath state that I am 28 years of age and a citizen, by Frederick, of the Creek Nation; that I am the lawful wife of Paul Batt, who is a citizen, by Frederick, of the Creek Nation; that a male (Male or female) child was born to me on 14 day of Feb, 1899; that said child has been named Johnny Batt, and is now living.

WITNESSES TO MARK:

Must be Two
 Witnesses.

Jeff Gooden
O. H. Harrison

Henrietta Batt

Subscribed and sworn to before me this 11 day of Sep, 1904

My Commission Expires 10/17/04 O. H. Harrison

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Western District.

I, Mary Hawkins, a Midwife, on oath state that I attended on Mrs. Henrietta Batt, wife of Paul Batt, on the 14 day of Feb, 1899; that there was born to her on said date a male (MALE OR FEMALE) child; that said child is not living and is said to have been named Johnny Batt.

WITNESSES TO MARK:

Must be Two
 Witnesses.

O. H. Harrison
O. D. Lausner

Mary Hawkins

Subscribed and sworn to before me this 11 day of Sep, 1904

My Commission Expires 10/17/04

O. H. Harrison

NOTARY PUBLIC.

En917.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Johnny Batts, deceased, as a Creek Freedman.

DECISION.

The record in this case shows that on August 31, 1904, the affidavit of Henrietta Batts relative to the birth of her minor child, Johnny Batts, deceased, was filed with the Commission at Muskogee, Indian Territory, which said affidavit is considered as an application for the enrollment of said Johnny Batts, deceased, as a Creek Freedman. Further proceedings were had March 10, March 13, and April 24, 1905.

The application made March 10, 1905, for the enrollment of Arbella Batts, referred to in the testimony herein, is not considered in this decision.

The evidence shows that said Johnny Batts, deceased, was born February 14, 1899, and that he died June 15, of the same year.

The evidence further shows that said Johnny Batts, deceased, was the minor child of Henrietta Batts, whose name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, Roll No. 566, and of Reed Batts, and an examination of the records of the Commission shows that the name of said Reed Batts is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior December 1, 1903, Roll No. 5351.

It is, therefore, the opinion of the Commission that said Johnny Batts, deceased, should be enrolled as a Creek Freedman, in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.

Muskogee, Indian Territory,

JUN 14 1905


Commissioner.

J. J. B.

D.A.-144.

Muskogee, Indian Territory, December 2, 1904.

R. H. Batts,

Grayson, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of November 30, relative to your deceased child, name not given.

There are on file with the Commission affidavits relative to the birth and death of Johnny Batts, child of Row and Henrietta Batts.

The Commission requires that the mother of said child appear before the Commission, at its office in Muskogee, Indian Territory, with two witnesses who know the dates of his birth and death for the purpose of being examined under oath.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 15, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Johnny Batts (deceased) as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no protest has been filed, said Johnny Batts (deceased) will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

JYM-16-3

Muskogee, Indian Territory, September 30, 1905.

Reed Batts,

Grayson, Indian Territory.

Dear Sir:

You are advised that the name of your child, Johnny Batts, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior September 21, 1905, and that application for a selection of land in the Creek Nation may now be made for said child at the Office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 918

CR EN 918

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MARCH 17, 1905.

-ooOoo-

In the matter of the application for the enrollment of Clarence Holmes as a Creek Freedman.

NANCY HOLMES, being duly sworn, testified as follows.

EXAMINATION BY COMMISSION:

Affidavit of Nancy Holmes relative to the birth of her minor child, Clarence Holmes, was filed with the Commission at Muskogee, Indian Territory, August 27, 1904, which said affidavit is considered as an application for the enrollment of said Clarence Holmes as a Creek Freedman.

- Q What is your name? A Nancy Holmes.
Q How old are you? A 26.
Q What is your postoffice address? A Weleetka, I. T.
Q What was your name before it was Holmes? A Nancy Jacobs.

Witness is identified as Nancy Jacobs on Creek Freedman Card, Field Number 202, and her name is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior March 13, 1902, Roll Number 722.

- Q Are you the mother of Clarence Holmes? A Yes, sir.
Q When was Clarence Holmes born? A April 9th.
Q What year? A 1901.
Q Is Clarence living? A Yes, sir.
Q Why did you wait until the 27th of August, 1904, before you filed an affidavit with the Commission about the birth of Clarence? A We wrote here once about Clarence and you stated that we could not file for him.
Q When was that? A In 1902, I think.
Q Then--did you give them that date, 1901? A Yes, sir. But I did not write here, my husband did.
Q Who was present when Clarence was born? A Grandmother.
Q What is her name? A Frances Holmes.
Q Did you have any doctor present at Clarence's birth? A No, sir.
Q Who is the father of this child, Clarence? A Jacob Holmes.

Jacob Holmes is identified on Creek Freedman Card, Field Number 101, and his name is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior March 13, 1902, Roll Number 386.

Witness is advised that it is advisable for her to produce the child, Clarence Holmes, in person before the Commission at an early date.

Zera Ellen Parrish, being sworn on her oath states that as

Holmes....#2.

stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes as taken in said cause.

Subscribed and sworn to
before me this 21st day of
March, 1905.

Zera Ellen Tarrick
Edw. C. Guise
Notary Public.

BA- 217.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, APRIL 6, 1905.

--ooOoo--

In the matter of the application for the enrollment of
Clarence Holmes, as a citizen of the Creek Nation.
(SUPPLEMENTAL TESTIMONY).

NANCY HOLMES, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Nancy Holmes.
Q Are you the same Nancy Holmes who appeared before the Commission
and made application for the enrollment of Clarence Holmes as
a citizen of the Creek Nation? A Yes, sir.
Q Is Clarence living now? A Yes.
Q Where is he? A Right here.
(Child is present).

Zera Ellen Parrish, being sworn on her oath states that as
stenographer to the Commission to the Five Civilized Tribes she
reported the above case and that this is a full, true and correct
transcript of her stenographic notes in same.

Subscribed and sworn
to before me this 8
day of April, 1905.

Zera Ellen Parrish
Edw. C. Sweeney
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Clarence Holmes as a Creek Freedman.

DECISION.

The record in this case shows that on August 27, 1904, the affidavit of Nancy Holmes relative to the birth of her minor child, Clarence Holmes, was filed with the Commission at Muskogee, Indian Territory, which said affidavit is considered as an application for the enrollment of said Clarence Holmes as a Creek Freedman. Further proceedings were had March 17, and April 6, 1905.

The evidence shows that said Clarence Holmes was born April 9, 1901, and that he was living at the date of the last proceedings herein.

The evidence further shows that said Clarence Holmes is the minor child of Nancy Holmes and Jacob Holmes and that the names of said Nancy Holmes and Jacob Holmes are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, Roll Nos. 722 and 386, respectively.

It is, therefore, the opinion of the Commission that said Clarence Holmes should be enrolled as a Creek Freedman, in accordance with the provisions of the act of Congress approved June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.

Muskogee, Indian Territory,

JUN 14 1905


Commissioner.

883

B. A. 217

Muskogee, Indian Territory, November 21, 1904.

Nancy Holmes,

Waleetka, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth of your child, Clarence Holmes, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. Further evidence is necessary in this case.

You are required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

Register.

Muskogee, Indian Territory, June 15, 1906.

H. L. Mett,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Clarence Holmes as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no protest has been filed, said Clarence Holmes will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

JYM-15-2

Cr En 918

Muskogee, Indian Territory, September 30, 1905.

Fancy Holmes,

Weleetka, Indian Territory.

Dear Madam:

You are hereby advised that the name of your minor child, Clarence Holmes, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior September 21, 1905, and that application for a selection of land in the Creek Nation may now be made for said child at the Office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 919

CR EN 919

Transferred to UB 954

CR EN 920

CR EN 920

BA-115.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, APRIL 11, 1905.

-00000-

In the matter of the application for the enrollment of
Henry Mayberry, as a citizen of the Creek Nation.

GERTIE KIDD, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Gertie Kidd. I filed under the name of
Gertie Staten.
Q How old are you? A Twenty-two.
Q What is your postoffice address? A Wagoner.

Witness is identified as Gertie Staten on Creek
Freedman Card, Field Number 1303, and her name is con-
tained in the partial list of Creek Freedmen, approved
by the Secretary of the Interior March 28, 1902, Roll
Number 4471.

- Q Have you a child named Henry Mayberry? A Yes.
Q When was he born? A 1900, the 7th day of February.
Q Is he living? A Yes.
Q Is this Henry here? A Yes.
(Child is present and appears to be at least four and probably
five years of age.)
Q Who is the father of Henry Mayberry? A Snowden Mayberry.
Q Is he a citizen of the Creek Nation? A No.
Q Is he a citizen of any Nation in Indian Territory? A No.
Q He is a State man is he? A Yes.
Q Were you married to him? A Yes.
Q Is he living now? A I do not know whether he is living or not.
Q You are not living with him? A No.
Q Are you divorced? A Yes.
Q Was he living at the time this child was born? A Yes.
Q Did you write down the date of the birth of this child in a
bible or any where? A Yes, in a bible.
Q Did you write it down in that bible yourself? A Yes.
Q How long after the birth of Henry did you write down the date
of his birth? A A month or so; I do not know exactly--I was up.
Q Did you have a mid-wife in attendance at Henry's birth? A Yes.
Q What is her name? A Martha Bolden.
Q Is she with you to-day? A No, she is not with me to-day.
Q Have you any children younger than this one? A No.
Q Have you any older children? A No, this is all that I have
got that is living.
Q Who is this woman that is here with you to-day? A My sister,
Mrs. Waldon.
Q Was she present when your child, Henry Mayberry, was born? A No.

Mayberry... #2.

Q Was she there shortly afterwards? A Yes, she saw him in long dresses.

ALICE WALDON, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

Q What is your name? A Alice Waldon.
Q How old are you? A I was thirty-two the 9th of last month.
Q What is your postoffice address? A Wagoner.
Q Are you a citizen of the Creek Nation? A I am.
Q Are you related to Gertie Staten? A I am a sister of hers/
Q Do you know a child of hers named Henry Mayberry? A I do, sir.
Q About how old was he when you first saw him? A He was about two months old. He was in long clothes.
Q When was that? A 1900.
Q Do you know what month? A It was in the Spring.
Q Is Henry living now? A Yes.
Q Is he here to-day? A Yes.
Q Is that him? A Yes, with his mother there.
Q Do you know the father of that child? A I do.
Q What is his name? A Showton Mayberry.
Q Do you know where he is now? A No.
Q How long has your sister been separated from him? A I do not know exactly--as near as I can remember two years.

Gertie Kidd is notified that the Commission desires to see the bible in which is written down the date of Henry Mayberry's birth; for this purpose thirty days from date will be allowed.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zera Ellen Parrish

Subscribed and sworn to
before me this 25th day
of April, 1905.

Edward Merriam
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, APRIL 27, 1905.

-ooOoo-

In the matter of the application for the enrollment of
Henry Mayberry as a Creek Freedman.

GERTIE KIDD, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Gertie Kidd.
Q Are you the same person that appeared here on the 11th day of April and gave testimony about your child, Henry Mayberry? A Yes.
Q Is that child living? A Yes.
Q Did you bring with you the bible in which is written down the date of his birth? A Yes, I brought it this time; I did not bring it the last time.

Witness presents for inspection of the Commission a large old bible, and on a page left blank for that purpose there is found the record of the births of a number of the members of her family. All of the entries except that relating to Henry Mayberry is written in purple ink. In the second column on said page among other entries is found the following in their respective order:

"Herberth Kidd was Born Nov. 26th- 1887

"Henry Mayberry 7-Feb. 1900

"Gurty Kidd was Born Feb. 7th- 1883."

The entry about Henry Mayberry is written with a pencil.

- Q When did you write this entry about Henry Mayberry in this bible?
A I wrote it when he was about a month old.
Q When were these entries put in here? A A long time; some were written in there before I could remember, and some since I can remember.
Q How long have you had this bible in the family, do you know? A Ever since I can remember.
Q Did they have it before you was born? A I suppose so.
Q Why did you write the entry about Henry Mayberry's birth up in between those other two entries and not at the bottom of the page? A There was one that was dead and I erased it and put it next to my name. I erased the entry so that I could put the entry about Henry's birth next to my name.
Q You are the Gertie Kidd whose name is written right below that of Henry Mayberry? A Yes.

Mayberry... #2.

Q Can you get the affidavit of the mid-wife? A I do not know.
The last time I heard of her she was in El Paso.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zera Ellen Parrish

Subscribed and sworn
to before me this 28th
day of April, 1905.

Edward Merritt
Notary Public.

S. D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Henry Mayberry as a Creek Freedman.

D E C I S I O N.

The record in this case shows that on February 5, 1902, the affidavit of Gertie Staten (now Gertie Kidd) relative to the birth of her minor child, Henry Mayberry, was filed with the Commission at Muskogee, Indian Territory, which said affidavit is considered as an application for the enrollment of said Henry Mayberry as a Creek Freedman. Further proceedings were had April 11, and April 27, 1905.

The evidence shows that said Henry Mayberry was born February 7, 1900, and that he was living at the date of the last proceedings herein.

The evidence further shows that said Henry Mayberry is the minor child of Gertie Kidd, and that the name of said Gertie Kidd, as Gertie Staten, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, Roll No. 4471.

It is, therefore, the opinion of the Commission that said Henry Mayberry should be enrolled as a Creek Freedman, in accordance with the provisions of the acts of Congress March 1, 1901 (31 Stats., 861), and June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
JUN 14 1905

964
B. A. 118.
Muskogee, Indian Territory, November 19, 1903.

Gertie Mayberry,

Wagoner, Indian Territory.

Dear wadan:

There is on file with the Commission an affidavit executed by you relative to the birth of your minor child, Henry Mayberry, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 15, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Henry Mayberry as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no protest has been filed, said Henry Mayberry will be regularly listed for enrollment as Creek Freedman.

Respectfully,

Chairman.

JYX-15-1

REFER IN REPLY TO THE FOLLOWING:

OT 220

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

S. d. l.

Muskogee, Indian Territory, September 30, 1905.

Snowden Mayberry,

Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that the name of your minor child, Henry Mayberry, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior September 21, 1905, and that application for a selection of land in the Creek Nation may now be made for said child at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,


Commissioner.

CR EN 921

CR EN 921

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes.

Okmulgee, Indian Territory, Wednesday, May 24th, 1899.

In the matter of the application of Jacob Beams for enrollment as a citizen of the Creek Nation:

JACOB BEAMS, called and sworn, testifies as follows:

Q: About how old are you? Answer: 45 or 46.

Q: Are you a member of any Creek town?

A: Yes sir, I have been a member of the Nyyaka Town.

Q: You made application to the Commission for enrollment as a Creek citizen some time last fall, at Muskogee?

A: Yes sir, I think Indid.

Q: Your testimony was taken at that time was it? Answer: Yes sir.

Q: What is your first recollection of being on any of the Creek rolls?

A: My first recollection is when they drew that year at old agency. When I drew the \$29.00, in 1890.

Q: Do you recollect the payment at the old agency just after peace? Answer: Yes sir.

Q: Did you draw at that time?

A: My father drew money for me.

Q: What was your father's name? Answer: Mitchell Beams.

Q: What was his citizenship?

A: He was called a Creek citizen?

Q: Do you know what his parentage was? Whether it was Creek, Choctaw, or what?

A: No sir, I don't know.

Q: What was your mother's name?

A: I don't know only from what I heard. I have understood it was Becky.

Q: Do you know what her citizenship was?

(Jacob Beams, 2nd)

A: No sir, I don't.

Q: Where were you living before and during the civil war?

A: At Fort Gibson.

Q: Where had you been living before the war?

A: At Rufaula in the Creek Nation.

Q: How long did you remain at Fort Gibson.

A: I stayed there until the war ended.

Q: Where did you go then?

A: Moved over here to the old agency.

Q: In the Creek Nation? Answer: Yes sir.

Q: About how old were you at the time the payment was made by Major Dunn at the old agency?

A: I could not tell exactly, but some where between 12 and 15.

Q: You remember the payment being made? Answer: Yes sir.

Q: Did you say that your father drew the money for you?

A: Yes sir.

Q: Did he draw for himself also?

A: Yes sir, according to what he said. I know he brought the money home.

Q: Your father is not living now? Answer: No sir.

Q: Do you know of your own knowledge of your having drawn in any other payment since then? Answer: Yes sir.

Q: What payments have you drawn in?

A: \$2.00 and \$4.00, and the bread money I believe they called it, and the \$20.00

Q: When was the first time your citizenship was ever questioned that you know of?

A: First time I know of it the \$14.00 payment, and I did not get the money.

Q: That was in 1898?

A: I don't know. I guess it was. It was the last payment.

Q: Did you take any steps at that time to have your name put back on the roll? Answer: No sir.

(Jacob Beams, 3rd)

Q: Why not?

A: I did not know it was off only by not drawing the money, and I did not tend to it at all.

Q: You ever have any suit of any kind in any court in which your citizenship was questioned? In which they charged that you were not a citizen of the Creek nation?

A: Yes sir, I had a suit about a place.

Q: What court was that in?

A: In the District Court and then in the Supreme Court of the Creek Nation.

Q: How long ago was that?

A: It has been, I don't know how long; about the time of the last ~~etc~~ payment (\$14.00) or a little after.

Q: Some people tried to get possession of your place on the ground that you were not a citizen of the Creek Nation?

A: Yes sir.

Q: What did the court do about it?

A: This court here did not do anything.

Q: How was the suit ended?

A: I don't know. It was just ended. ~~Some~~ Don't know how they ended it. Tried the case up here in the Supreme Court and I believe they allowed that my step-mother was entitled to a child's part and they wrote back to the district court and they did not do anything. They just wrote that the child's part was to be paid to her. That was all.

Q: Did you ~~maintain~~ still retain the place? Answer: Yes sir.

Q: Did you pay her a child's part?

A: No sir. They just let it go that way.

Q: Was there a case in the United States Court about it?

A: Yes sir.

Q: How long ago was that?

(Jacob Beams, 4th)

A: About one year ago.

Q: Has that suit been ended?

A: They took it in there and tried it and said that I had no right to hold the place. The jury went out on it. They decided against me, but they have never done anything.

Q: On what ground?

A: They said I was not a citizen. I had no witnesses there; just witnesses against me.

Q: That was not the chief issue in the case, as to whether you were a citizen? Answer: No sir.

Q: Your step-mother was suing for possession of the place?

A: Yes sir.

Q: What was her name? Answer: Parthena Beams.

Q: Is she living now? Answer: No sir.

Q: How long since she died?

A: Four or five years.

Q: Who had this suit against you then in the United States Court?

A: Her children; ~~Solomon Taylor~~ Solomon Taylor, John Taylor, and Mary Manuel.

Q: Your case was never reported to any citizenship commission of the Creek Nation was it? Answer: No sir.

Q: Your case was not tried by the Colbert Commission that you know of? Answer: I don't know.

Q: That was the Creek Commission that was in session about three years ago that was settling citizenship cases?

A: Not that I know of.

Q: You were never notified to appear before any commission to determine whether you were a citizen? Answer: No sir.

Witness CONCHARTY MICOO, called and sworn, testifies as follows:

Q: About how old are you?

(Jacob Beams, 5th)

A: I don't know, but I always tell them when they ask that my Mother told me that I was born ~~in the fall~~ in the fall after the emigration of the Greeks from Alabama with Chief Gouge. (Parsehalo, about 1837)

Q: Are you a citizen of the Creek Nation? Answer: Yes sir.

Q: What town do you belong to? Answer: Nyyaka.

Q: Are you the town king of Nyyaka town now? Answer: Yes sir.

Q: About how long have you been the town king of Nyyaka town?

A: I have been town king ever since 1863.

Q: Had you been an officer of the town before that?

A: I was a soldier for three years during the civil war.

Q: Do you know this man Jacob Beams? Answer: Yes sir.

Q: When did you first know him?

A: The first time I knew him he was a little boy about that high, and a colored man had him raising him.

Q: Who was that colored man? Answer: Garchchoochy (Little Jack)

Q: Was that before or after the civil war?

A: That was long before the civil war come up.

Q: ~~Where~~ ^{Where} was Jacob Beam's or Garchchoochy living at that time?

A: There was a man by the name of Ghilly McIntosh living there and it was near that house that Garchchoochy had a blacksmith shop, and this boy lived with him.

Q: Was that in the Creek Nation? Answer: Yes sir.

Q: Did they call this man Jacob Beams, a Creek boy at that time?

A: Well no. Jacob Beams folks and family come from the Choctaw Nation.

Q: Do you know that Jacob Beams and his family were ever adopted by the Greeks or put on the Creek rolls?

A: I don't know.

Q: Do you know that Jacob Beams was ever on the Creek roll?

A: Just after the war I was not town king. It was some other man, ^{enrolled} and he ~~was~~ ^{enrolled} this man. ~~and~~ It was some other man town king them times.

(Jacob Beams, 6th)

Q: What was the man's name who was town king at that time?

A: Lecha Harjo.

Q: Do you know what reason Lecha Harjo had for putting Jacob Beams on the rolls?

A: I don't know what reason he had for doing that, but Jacob's father Mitchell married a Nyyaka woman for a wife, and Jacob and his father and them lived out there with the Nyyaka woman, and he just count them in the town as citizens.

Q: Has Jacob Beams been on the Nyyaka rolls ever since that time up to the last payment?

A: Yes sir, he was enrolled on the Nyyaka town ever since, until the last payment we were going to have they scratched his name off the roll.

Q: When you were first made town king did you find Jacob Beams name on the roll?

A: Yes sir, I know that the name was on the roll the first time I was town king.

Q: Do you know who made objection to Jacob Beams when they were making up the roll for the last payment?

A: There was a committee appointed to make the rolls of the citizens that were going to draw the money and they told him that Jacob Beams name was scratched off the rolls and they had to go to work to see about it and fix it up, and they left his name off.

Q: Was his name reported to the Colbert Citizenship Commission at that time?

A: Yes sir, I think it was reported to that commission.

Q: Do you know whether they took any action about it?

A: I don't know whether they attended to it or not.

Q: Did the Colbert Citizenship Commission call on you to testify about Jacob Beams?

A: They asked me and I told the Commission about it.

(Jacob Beams, 7th)

Q: Was that at one of the regular meetings of the Commission?

A: Yes sir, right here, during the regular session.

Q: Where were you when they asked you about it?

A: Right there at the court house.

Q: Where they were holding their meetings?

A: They asked me for the rolls of the town and I brought it and while there they asked me these questions and I told them about it.

Q: Was Jacob Beams there at that time?

A: No sir, he was not there.

Q: They were not trying Jacob Beams case at the time they asked you about it, were they?

A: They just asked me about it, and they were not attending to any case of Jacobs. I just got there and they asked me that question and they ~~knocked~~ threw out Jacob with other Nyyaka citizens who lived over in the Cherokee Nation.

Q: Who was the man that asked you about Jacob Beams?

A: They changed so often that I don't recollect what man asked me. Some times some there and some times some others there.

Q: Was James Colbert, President of the Commission, there at the time

A: Yes sir, I suppose so. He was the Chairman of the Commission?
(Judge Moore)

Q: Do you know of the Nation ever adopting Jacob Beams?

A: The question come up this way. I had enrolled some that Sugar George claimed were his town folks, and here at the town George asked me about why I enrolled his people, and I told him that I enrolled them because they wanted to be enrolled. George said that I had some Choctaws enrolled and I said they were enrolled before my time and are still enrolled. And that is the way the objection come up against Jake Beams, and caused him to be omitted by the Committee that was making the roll.

Q: Who is Sugar George?

A: Chief of the North Fork Colored Town.

(Mr. Bixby) ^{Sir} Do you consider Jake Beams a citizen of the Creek

(Jacob Beams, 8th)

~~Nation when you allowed his name to remain on the Nyyaka rolls?~~

A: He was enrolled by the town king before my time as king, and I thought he was a citizen by being enrolled.

Q: You thought he had been adopted, did you?

A: I just think that they must have made him a citizen before my time; the reason he was on that roll.

Q: Do you know whether any other people had been adopted as citizens of the Creek Nation before 1863?

A: I don't know. I did not have much business to do before that time and so I don't know.

Did

Q: ~~Did~~ you know when you first saw Jake Beams name on the Nyyaka town rolls that he was of Choctaw blood?

A: Yes sir, I knew that.

Q: About the time of the war, and just after the war, were Indians from other tribes living in the Creek Nation and married in the Creek Nation; were they often adopted as citizens of the creek nation?

A: I don't know anything about those things before the war.

Q: Right after the war?

A: Just after the war I heard of such things being done in the Nation in different places, and that is the reason that when I saw Jake Beams name on the town roll, that they must have enrolled him some way or other during that time; that it had been fixed up some way. I did not know because I was not a member at that time; just a ball player, and around shotting squirrels.

Q: Did the town king usually fix these things up at that time, or did the people have to go to the Council to get them fixed up?

Q: The little towns off to themselves could not transact any such business as that, and I suppose it was done through the National Council.

(Jacob Beams, 9th)

Witness Para Bruner, called and sworn testifies as follows:

Q: About how old are you? Answer: About 73.

Q: Are you a citizen of the Creek Nation? Answer: Yes sir.

Q: What town do you belong? Answer: Canadian Colored.

Q: What office do you hold in that town? Answer: Town King.

Q: How long have you been Town King?

A: This December coming, the 5th day, will make my fourth year.

Q: Did you ever hold any other office in Canadian Town?

A: Yes sir, held office for about 16 years.

Q: Did you take any interest in the making of the Dunn Roll by Major Dunn, along in 1867?

A: No sir, when the roll was made I was not ~~standing~~ down at the agency; I was up on the south-west part of the Creek Nation. When they drewed the money I was there.

Q: Do you have a distinct recollection of the making of that roll, and the payment of the money?

A: To some extent I have.

Q: Do you know this man Jacob Beams? Answer: Yes sir.

Q: How long have you known him?

A: I can not say what year, but it was before the war.

Q: Where was he living at that time?

A: Right by the road, with a blacksmith called Old Jack, close to McIntosh's store. Mitchell Beams, his father, belonged to McIntosh.

Q: Was that in the Creek Nation?

A: Yes sir, close to McIntosh's.

Q: Near what post office is that.

A: Bufaula; it is down in that direction.

Q: You know this man's father, Mitchell Beams?

A: Yes sir.

Q: Was Jacob Beams considered a Creek citizen at that time when you first knew him?

A: I don't know.

(Jacob Beams, 10th)

Q: When did you first know of his being counted as a Creek citizen?

A: After the Dunn payment; by ~~him~~ talking with Locha Harjo. We used to run together and in looking over his census rolls I saw that he had Jake Beams and Mitchell Beams and others enrolled.

Q: Was Mitchell a colored man?

A: It seems to me he was half-snap; mixed. His hair was long.

Q: Has Jacob Beams been counted a Creek ever since that time?

A: Best of my knowledge, he is.

Q: Did you ever hear of his citizenship being ~~more~~ questioned?

A: When we drew the \$29.00 in the Committee of Eighteen somebody made some remarks, and Porter - -

Q: What committee did you call that?

A: The Eighteen Committee.

Q: Did they discuss Jacob Beams citizenship at that time?

A: Just a little.

Q: Who was it that gave the information that decided the case in Jacob Beams' favor?

A: I don't remember. It was just a little discussion and then it passed.

Q: What did you say about Porter?

A: He was on the Committee?

Q: That was Pleasant Porter? Answer: Yes sir.

Q: He was satisfied that Jacob Beams was alright?

A: Yes sir, he representing town king of Big Springs town.

Q: You say Jacob Beams drew the \$29.00? Answer: Yes sir.

Q: Did you hear of his citizenship being ~~more~~ questioned after that?

A: Yes sir. It was that way ever time we went to draw any money somebody contested. That never failed. That fourteen dollar payment I was not in office and I came to the Commission; the first commission that was made I was on it, and Judge N. B. Moore was on

(Jacob Beams, 11th)

11. About half the time he was not there but I would be there all the time.

Q: What was done at that time about Jacob Beams case?

A: Nothing. It did not come up before the Commission. It was read and Colbert, the Chairman, did not call it up, and he did not notify him. We had a rule that they had to notify a man when we went to try his case, and we never did that with Jacob Beams.

Q: Never passed on his case officially then? Ans: No sir.

Q: Was that before or after the 14 dollar payment?

A: Just before.

Q: In 1895? Answer: Yes sir.

Q: It was not the Colbert Commission that made the roll for the payment?

A: Yes sir. After the Commission run out and the citizenship was turned over to the Dawes Commission, and then they appointed that commission. Colbert was appointed to make the census rolls.

Q: Have you considered Jacob Beams a citizen of the Creek Nation?

A: Yes sir, under the laws and constitution, and Treaty of 1866.

Q: In what way does the Treaty of 1866 affect him?

A: Because he returned in six months; I believe that will catch him

Q: He is considered part colored is he?

A: I expect. I don't know. I wont say about that. I am satisfied that he did not go any further than Fort Gibson. I find him there and been seeing him around in the Creek Nation, and working the roads and been on the juries.

Q: You know that he has been on the Creek juries?

A: Yes sir, at Wellington.

Q: Made him work on the roads same as other Creek citizens?

A: Yes sir.

Q: They used to have a road law here, did they?

A: Yes sir, work it two days a year.

(Jacob Beams, 12)

Q: How many days did each citizen have to work on the road at that time?

A: Two days, or if they failed to go it was one dollar for each day they refused to work.

Q: And under that law they made Jacob Beams work the road?

A: Yes sir.

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes.

Muskegee Land Office, Thursday, June 1st, 1899....

In the matter of the application of Jacob Beams for enrollment as a citizen of the Creek Nation.

HONORABLE PLEASANT PORTER, sworn and examined, testified as follows:

- Q. You are a citizen of the Creek Nation? A. Yes sir.
- Q. Do you know Jacob Beams? The ~~pla~~ applicant for enrollment?
- A. Yes sir, I know him.
- Q. About how long have you known him?
- A. I have known him ever since the war. That's about 30 years.
- Q. Did you know his mother? A. No.
- Q. You don't know whether or not she was a Creek.
- A. No, I don't know.
- Q. Did you know his father? A. Yes sir.
- Q. What was his name? A. His name was Mitchel Beams.
- Q. Was he a Creek Citizen?
- A. I think he was counted as a Creek citizen; I don't know that he was, you can find his name on the Nyyaka roll.
- Q. When do you first recollect his name to have been on the rolls of the Creek Nation?
- A. I don't know; I am not sure; I have been on the enrollment committee several times, but don't know what particular time; I think in '91 is the time I recollect seeing his family enrolled on the Nyyaka roll, but Concarta Miece, chief of the town would know.
- Q. You wouldn't say whether or not his name had been put on the the roll previous to that time or not? A. No sir.
- Q. Do you know whether or not Mitchell and Jacob Beams have voted at the elections and in other ways been recognized as citizens of the Creek Nation?

A. Yes sir, they voted; I counted their votes several times, and I think their votes were never challenged.

Q. How long now do you suppose it is since they have first been so recognized as Creek Citizens and participated in the payments, voted at elections etc?

A. I think since the war; just before that I know Mitchell wasn't?

Q? Why wasn't Mitchell recognized previous to the war?

A. He was a Choctaw Freedman I think; that is my recollection; he was bought by William McIntosh, who was an uncle of mine; that is my acquaintance with him; he was there with him, and it turned out that the persons who sold the Beams family were not their owner, and they were turned loose; that is, they were free people; that was my first knowledge of the family.

Q. Mitchell Beams then, and his son Jacob Beams at the time of the war belonged to that class known as freedmen.

A. His father did, and I presume he did because I didn't know him at all until after the war.

Q. And if they are recognized as citizens, it is by reason of their being freedmen and under the provision of the treaty of 1866 with reference to people of African descent.

A. Yes sir, unless Beams's mother was an Indian; I don't know that.

Mitchell Beams was here in the Creek Nation before the war; he was here as a Free Colored person, and on account of some person claiming him elsewhere they came here and --he was a man well thought of, and William McIntosh agreed to buy him, and upon investigation it was found they were free, and he came back here and lived until the war, and after the war he was here and has been ever since; he lived at Judge Moore's up here; his wife's children are different.

Q. You knew this Jacob Beams was here at the time of the war or right after peace was declared?

Jacob Beams #3.

A. My first acquaintance with him was at his father's house on the road from here home; I stopped there always and get dinner or stayed all night; I have known him ever since moved up there, 2 or 3 years after the war; it may have been four or five, but was just after the war; I knew them at Gibson; then they came over here; Mitchel clerked in the store, because he was acquainted with people.

Q. Was he a blacksmith?

A. No, he was a carpenter and a trustworthy man, and people hired him in the store; my first acquaintance with him was in passing, and I knew he stayed with his father.

Q. You don't know that Jacob was here at the time peace was declared

A. No, I couldn't; I know his father was, because he was about the first man I saw after peace was made.

Q. If they were put upon the roll by reason of having been Freedmen of African descent, do you know how it happened they should get on the Nyyaka roll and not on one of the colored town rolls?

A. No sir, I have no knowledge of why.

JUDGE MOORE. So far as I know the family was taken in that town, Okfuska; they belonged to Okfuska town, and after the war they said they would rather to belong to Nyyaka and they were changed.

Q. When you say the Beam family,

A. I mean the woman he married after the war.

Q. And her children? A. Yes sir.

Q. She had some children previous to the marriage to Mitchel Beam. A. Yes sir, two.

Q. They were transferred to the Nyyaka town, and for that reason, Mitchel Beams was put on the same roll I suppose.

A. Yes sir.

Q. That's the statement Concarte Micco gave you the other day?

Jacob Beams #4.

Q. That is your understanding, that Mitchel and Jacob Beams were counted as Freedmen.

A. That's what General Pierce stated.

Q. You don't know of your own knowledge.

A. I know what General Porter says; I know when they came here as he states, and there was four others I believe; Griffith was one and lived on the other side of the river; and then there was a woman living up here on the Northfork now.

Q. Were they related to Mitchel Beams in any way?

A. Yes sir, they were connected some way or other; they came here at the same time.

(General Porter)

Most of them are in the Choctaw Nation; Mitchel came here and some of his brothers.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

E. C. Caster

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee Land Office, June 7th, 1899.

In the matter of the application of Jacob Beams for enrollment as a citizen of the Creek Nation.

HENRY CHALK, being sworn and examined, testified as follows, to wit:--

Q What is your citizenship? A Choctaw Nation.

Q How old are you? A I don't know; I couldn't tell that.

Q How old were you at the time of the Civil war?

A Oh, I was just about grown.

Q Did you know Jacob Beam at that time? A Yes sir, I knewed him before the war, his father.

Q What was his father's name. A Mitchell Beams.

Q Jake was a very small boy at that time? A Yes sir.

Q Where were they living? A A place called Kiamitia in the Choctaw Nation down near Deaksville.

Q Was Jake's mother a Choctaw? A Yes sir.

Q A choctaw slave? A No sir, a full fledged indian Choctaw she was no slave about her

Q Was Jake's father a Colored man, a Freedman? A No sir, he was no Freedman; he had some color in him but was free born. Him and his brothers; he used to live right at home part of the time. Close neighbors.

Q You don't know who Mitchel's mother was?

A Mitchel's mother was an old lady we called her Granny Nellie;

Q Was she a colored woman or an Indian? A She was an Indian. She was a big old lady; died down there where I was born and raised.

Q What was Jake's mother's name? A Beckie.

Q Was she recognized as a Choctaw? A She was a Choctaw.

Henry Chalk #2.

Q She was recognized by the Chectaw people as a Chectaw?

A The same as ther rest.

Q Was Mitchell Beams recognized as a Chectaw Indian?

A He was recognized as a Chectaw, but had color in him; he showed it, him and his brothers and sisters.

Q Did they recognize him and have his name on the rolls?

A I den't knew nothing about any rolls. or nothing before the war.

Q He was considered by the people down there to be a Chectaw citizen.

A yes sir.

Q Well when you first knew Jacob, was his mother alive? A Yes sir, he died when he was small.

Q That was before the war? A Yes sir.

QQ. Where did you live? A I have been there all the time un til late; I came up and worked here.

Q You still live there in the same neighborhood?

A My people all moved from away down there this side, near South McAles-ter. That's my home in the Chectaw Nation; but we worked up here.

Q Who do you work fer here? A Capt. Seavers I come backward and fer-ward every once in a while.

Q You den't knew where Jake went to when he lived down there?

A. I den't knew where they first went to, h m and his father when they first left.

Q When did you next see them? A I next seen Mitchell up here.

Q How long ago? A Its between 15 and 16 yars ago.

Q De you knew whether or not he is called a Creek citizen now?

A I den't know; I just know what Jake's mother was; I told him I could tell what his mother was; she was a Chectaw.

Q What do you suppose Jake wanted you to come here and tell his mother was a Chectaw fer? A I den't know; he wanted me to tell what it was I reckon.

Q You den't know how Jake came to be a Creek citizen? A No sir, I knows nothing about it.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

E. H. Cartain

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jacob Beams for enrollment as a citizen of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on May 24th, 1899, Jacob Beams appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen of the Creek Nation; that additional testimony was taken in support of said application, up to and including June 7, 1899; that the mother of the said Jacob Beams was a Choctaw Indian by blood, and that he came to the Creek Nation with his father some time prior to the Civil War.

It also appears that the name of the said Jacob Beams is found on the 1890 authenticated roll, but that he has never been duly and lawfully adopted or admitted as a citizen of said nation by the tribal authorities thereof, and that his name was stricken from the Creek rolls by the Creek National council in 1895.

Upon examination of the rolls and records of the Creek Nation now in possession of this Commission, it is found that the name of the said Jacob Beams appears upon the list of persons reported stricken from the Creek tribal rolls by the citizenship committee of the Creek council under the provisions of the Act of Council approved May 15, 1895, and that the report of said Committee was adopted by Act of said Council, approved June 8, 1895.

It is also found that subsequent to said June 8, 1895, said Jacob Beams was not admitted to citizenship in the Creek Nation by the Creek tribal authorities, or by the Commission to the Five Civilized Tribes, or by United States Court in Indian Territory, on appeal, in accordance with the provision of the Act of Congress approved June 10, 1896. (29 Stats., 321.)

It is therefore the opinion of this Commission that the said Jacob Beams is not a citizen of the Creek Nation and duly and lawfully enrolled or admitted as such, and that his application for enrollment as a citizen of said nation should be denied, and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,
this 24th day of May, 1901.


Acting Chairman.


Commissioner.

Commissioner.

60-5

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 28, 1906.

In the matter of the enrollment of Jacob Beams as a
citizen of the Creek Nation.

JACOB BEAMS, being duly sworn, testified as follows:

- Q What is your name? A Jacob Beams.
Q What is your age? A Born in 1853, about 52 or 3.
Q What is your post office address? A Haskell.
Q You have heretofore made application for enrollment as a citizen of the Creek Nation, have you? A Yes, sir.
Q Do you know how much Creek blood you possess? A No, sir.
Q How much Creek blood did your father possess? A I don't know whether he possessed any or not.
Q Did he always live in the Creek Nation? A Ever since I could recollect since I was a little fellow.
Q Where have you lived most of your life? A In the Creek Nation.
Q Was your father a full blood Indian? A No, sir.
Q How much did he possess? A About a 1/2 blood.
Q What Indian blood was that? A Choctaw.
Q Do you think he was a 1/2 blood Choctaw? A Yes, sir.
Q Was he enrolled as a Creek? A Yes, sir.
Q He appeared on the tribal rolls? A Yes, sir.
Q Under what name? A Mitchell Beams.
Q What was the name of your mother? A Bessie.
Q Was she a citizen of the Creek Nation? A Choctaw.
Q Did she live in the Creek Nation? A No, sir.
Q Were your father and mother married? A I couldn't say; I don't know.
Q How much Choctaw blood did your mother possess? A Half Choctaw.
Q Then you would be a half blood would you? A Yes.
Q You have lived in the Creek Nation most of your life? A Yes, sir.
Q And were recognized by the Tribal authorities as a citizen of the Creek Nation? A Yes, sir.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this
28 day of May 1906.

W. H. Harris
Notary Public.

D. D.

CR. EN. 5-921.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jacob Beams, as a citizen of the Creek Nation.

D E C I S I O N.

The record in this case shows that on May 24, 1899, Jacob Beams appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen of the Creek Nation; that on May 24, 1901, said Commission rendered its decision denying said application, and that on February 25, 1902, the Department affirmed said decision.

The record further shows that on June 3, 1905, the Department, in accordance with a recommendation of the Commission to the Five Civilized Tribes and following the ruling of the Department, in the case of Frank London et al., rescinded its decision of February 25, 1902, and authorized a readjudication of the case, after due notice to the attorney for the Creek Nation.

It further appears that on June 13, 1905, the attorney for the Creek Nation was advised of the action of the Department and was notified that he would be allowed a reasonable time within which to take such action in the matter as he might desire, and that no action has been taken by said attorney for the Creek Nation in response to said notification.

It appears from the evidence that the mother of said Jacob Beams, the applicant herein, was a Choctaw Indian by blood, and that his father was of Choctaw and negro blood; that his name appears on the 1890 authenticated tribal roll of the Creek Nation, and that his name was stricken from the rolls of the Creek Nation by the Creek citizenship committee, and that the action of said committee was approved by the Creek National Council June 8, 1895.

It further appears from the evidence that subsequent to June 8, 1895, said Jacob Beams was not admitted to citizenship in the Creek Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

In the Cherokee Enrollment case of James W. Shirley, the Department held:

"The presumptions arising from enrollment or want of enrollment, may be attacked for 'error or fraud', or for 'error, inadvertence or accident', but the burden of proof is clearly upon the party disputing the verity of the roll."

2

It does not appear from the evidence that the name of Jacob Beams was placed on the 1890 roll through fraud or error nor is there any proof against the presumed accuracy of said roll, except the action of the committee in striking his name therefrom in 1895.

In the Creek Enrollment case of Frank London et al., the Department held:

"If the applicants are otherwise entitled to be enrolled as citizens of the Creek Nation, the striking of their names from the 1895 roll by the committee of eighteen does not affect their rights. This being true, and the names of Frank, Mary and Bettie London appearing upon the 1890 authenticated roll of the Creek Nation, and there being no evidence to show that their names were placed thereon by fraud or without authority of law, they are entitled to be enrolled in accordance with departmental decision of June 11, 1903, in the Cherokee Enrollment case of James W. Shirley."

It is, therefore, ordered and adjudged that following the ruling of the Department in said case of Frank London et al., said Jacob Beams is entitled to be enrolled as a citizen of the Creek Nation in accordance with the provisions of the acts of Congress of June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and the application for his enrollment as such is accordingly granted.


Commissioner.

Muskogee, Indian Territory,

JAN 12 1906 .

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY.

(COPY)

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 14, 1902.

Mr. Jacob Beams,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles

Commissioner in charge.

1 enclosure NCR-111.
Registered.

COMMISSIONERS:
HENRY L. DAWES,
TAMM DIXIE,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON S. AYERWORTH,
SECRETARY.

(COPY)

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 14, 1902.

A. P. McKellop, Esq.,

H. G. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jacob Beams as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles

Commissioner in charge.

1 enclosure EGR-111-1
Registered.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. GOLDENBERRY,
SECRETARY.

(COPY)

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Jacob Beams for the enrollment of himself as a citizen of the Creek Nation, including the decision of the Commission, dated May 24, 1901, denying said application.

Respectfully,

T.B.Needles

Commissioner in charge.

1 enclosure, Creek S.

Through the Commissioner
of Indian Affairs.

(COPY)

Refer in reply to the
following: Land.
3510-1902.

Department of the Interior,
Office of Indian Affairs,

Washington, February 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 14, 1902, by the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of Jacob Beams for enrollment as a citizen of the Creek Nation.

The Commission states that the name of the applicant appeared on the 1890 authenticated roll, but that his name was stricken from the roll of the Creek Nation by the National Council in 1895 and that he has not since been admitted to citizenship. The Commission therefore declined to enroll him as a citizen of the Creek Nation.

The office is of the opinion that the Commission's action is correct and respectfully recommends that it be approved.

Very respectfully,

Your obedient servant,

W. A. JONES.

Commissioner.

WCV
D

3 inclosures.

(COPY)

12336

L.R.S.
I.T.D.1274-1902.

F.

Department of the Interior.

Washington.

February 25, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

The Department has considered the matter of the application of Jacob Beams for enrollment as a citizen of the Creek Nation, the subject of your letter of January 14, 1902.

It appears that the name of the applicant is found on the 1890 authenticated Creek roll, but that he has never been duly and lawfully adopted or admitted as a citizen of the Creek Nation by the tribal authorities thereof; that his mother is a Choctaw Indian by blood, and that he came to the Creek Nation with his father some time prior to the civil war; that the name of said Jacob Beams appears upon the list of persons reported stricken from the Creek tribal rolls by the Citizenship Committee of the Creek Council under the provisions of the act of Council approved May 15, 1895, and that the report of said Committee was adopted by the act of Council approved June 8, 1895. You therefore rejected the application under the provisions of the act of May 31, 1900, (31 Stat., 221).

The Commissioner of Indian Affairs February 19, 1902, reporting in the matter, recommends that your decision be concurred in.

The Department finding no reason to disturb your decision,
it is affirmed. A copy of the Commissioner's letter is inclosed.

Respectfully,

THOS. RYAN.

Acting Secretary.
EMD.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH
SECRETARY

(COPY)

Muskogee, Ind.Ter., April 3, 1902.

Jacob Beams,

Muskogee, Ind.Ter.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 25, 1902, affirmed the decision of the Commission, dated May 24, 1901, denying the application made by you for the enrollment of yourself as a citizen of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.
Commissioner in Charge.

Creek-S.

OCH.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH
SECRETARY

(COPY)

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 3, 1902.

A. P. McKellop, Esq.,

H. G. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 25, 1902, affirmed the decision of the Commission, dated May 24, 1901, denying the application of Jacob Beams for enrollment as a citizen of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.
Commissioner in Charge.

Creek-5.

OCH.

J. J. B.

C o p y

Creek Enrollment
Case No. 5.

Muskogee, Indian Territory, February 7, 1903.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division.

Gentlemen:

The records of the Creek Enrollment Division show that on May 24, 1899, Jacob Beams appeared before the Commission and made application for enrollment as a citizen of the Creek Nation. May 24, 1901, the Commission denied the application, and its decision was affirmed by the Department, February 25, 1902.

It appears from the testimony in the case that Mitchell Beams and Beckie Beams, the father and mother, respectively, of said applicant, were of Choctaw blood, and that both are now deceased.

Respectfully,

Commissioner in Charge.

Or En 8

Muskogee, Indian Territory, March 13, 1905.

Commission to the Five Civilized Tribes,

Choctaw-Chickasaw Enrollment Division.

Gentlemen:

May 24, 1899, Jacob Beams appeared before the Commission and made application for enrollment as a citizen of the Creek Nation, May 24, 1901, the Commission denied said application and on February 25, 1902, the decision of the Commission was affirmed by the Department.

It appears from the evidence that the mother of the applicant was a full-blood Choctaw Indian and that his father was of mixed Choctaw and negro blood.

You are directed to thoroughly investigate this case and to determine whether or not the applicant is entitled to enrollment as a Choctaw by blood or as a Choctaw Freedman.

A copy of the record in the matter of the application of said Jacob Beams for enrollment as a citizen of the Creek Nation is herewith enclosed, and you are requested to return same, at the conclusion of your investigation, to the Creek Enrollment Division.

Respectfully,

JYK-11-1.

Chairman.

W. O. B.

COMMISSIONERS.
TAMM HENRY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER TO ONLY TO THE FOLLOWING:

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 11, 1905.

The Commission to the Five Civilized Tribes,
Creek Enrollment Division.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 13th, enclosing the record and decision of the Commission of May 24, 1901, refusing the application of Jacob Beams for enrollment as a citizen of the Creek Nation, and requesting that the case be thoroughly investigated to determine whether or not the applicant is entitled to enrollment as a citizen by blood or a freedman of the Choctaw Nation.

In reply to your letter, you are informed that it does not appear from our records that application has been made to this Commission by or on behalf of Jacob Beams for enrollment as a citizen or freedman of the Choctaw Nation, nor is his name found upon the tribal rolls of the Choctaw Nation in the possession of the Commission. Examination has also been made of the tribal rolls of the Choctaw Nation in our possession and the names of the applicant's parents are not found thereon. It is believed, therefore, that he is not entitled to enrollment as a citizen by blood or a freedman of the Choctaw or Chickasaw

Creek E. D.

-2-

Nation.

The record enclosed with your communication of March 13th, 1905, is herewith returned.

Respectfully,



Commissioner in Charge.

EA 2-11.

S. d.

Or 2n 8.

Muskogee, Indian Territory, May 12, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

February 25, 1902, (I.T.D. 1274-1902) the Department affirmed the decision of the Commission dated May 24, 1901, denying the application for the enrollment of Jacob Beams as a citizen of the Creek Nation.

It appeared from the evidence in said case that the mother of said Jacob Beams was a Choctaw Indian by blood and that his father was of Choctaw and negro blood; that his name appeared on the 1890 authenticated tribal roll of the Creek Nation; that he had never been duly and lawfully adopted or admitted as a citizen of said Nation by the tribal authorities thereof; that his name appeared upon the list of persons reported stricken from the tribal rolls by the Creek Citizenship Committee, and that the report of said committee was adopted by the Creek Council and approved June 8, 1895.

It further appeared from the evidence in said case that subsequent to June 8, 1895, said Jacob Beams was not admitted to citizenship in the Creek Nation by the Creek tribal

Secretary 2.

authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

In the Cherokee enrollment case of James W. Shirley, the Department held (June 11, 1903):

"The presumptions arising from enrollment, or want of enrollment, may be attacked for 'error or fraud' or for 'error, inadvertence or accident,' but the burden of proof is clearly upon the party disputing the verity of the roll."

There is no proof that the name of Jacob Senas was placed on the 1890 roll through fraud or error, nor is there any proof against the presumed accuracy of the roll except the action of the committee in striking said name from the rolls in 1896.

In the Creek case of Frank London, et al., the Department held (I.T.R. 3194-1905):

"If the applicants are otherwise entitled to be enrolled as citizens of the Creek Nation, the striking of their names from the 1896 roll by the Committee of Eighteen does not affect their rights. This being true, and the names of Frank, Mary and Bettie London appearing upon the 1890 authenticated roll of the Creek Nation, and there being no evidence to show that their names were placed thereon by fraud or without authority of law, they are entitled to be enrolled in accordance with Departmental decision of June 11, 1903, in the Cherokee enrollment case of James W. Shirley."

It is, therefore, respectfully recommended that the Department vacate its decision of February 25, 1902, affirming the decision of the Commission in the matter of the application for

Secretary S.
the enrollment of Jacob Baum, and that the Commission be authorized to readjudicate said case in accordance with the ruling of the Department above referred to, in the case of Frank London, et al.

Respectfully,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Through the
Commissioner of Indian Affairs.

Refer in reply to the following
Land.

1884-1902

3380-1905

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, May 25, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of February 25, 1902(I.T.D.1274-1902) there is enclosed a communication from the Commission to the Five Civilized Tribes, dated May 12, 1905, in the matter of the application for enrollment as a citizen of the Creek Nation by Jacob Beams recommending that the action of the Department of February 25, 1902, affirming the adverse decision of the Commission be vacated and that the case be remanded for readjudication in conformity with the Department's decision in the case of Frank London et als . of April 15, 1905(I.T.D. 3194-1905).

The record is also closed.

Very respectfully,

C F Larrabee

Acting Commissioner

M.M.M.
V.

DEPARTMENT OF THE INTERIOR,
Washington.

J.P.

I.T.D.6226-1905

June 3, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory

Gentlemen:

February 25, 1902, the Department affirmed your decision, adverse to the applicant, in the matter of the application of Jacob Beams for enrollment as a citizen of the Creek Nation.

In your letter of May 12, 1905, you recommended, in view of the rulings of the Department of June 11, 1903, in the case of James W. Shirley, and of April 18, 1905, in the case of Frank London, that the decision of February 25, 1902, be vacated and that you be authorized to readjudicate the case of Jacob Beams.

You state that the evidence in the case shows that the mother of Beams was a Choctaw Indian, and that his father was of Choctaw and negro blood; that his name appears on the 1890 authenticated roll of the Creek Nation; that he had never been duly and lawfully adopted or admitted as a citizen of said nation by the tribal authorities thereof; that his name appeared upon the list of persons reported stricken from the tribal rolls by the Creek Citizenship Committee, and that the report of said Committee was adopted by the Creek Council and approved June 8, 1895; that subsequent to June 8, 1895, Beams was not admitted to citizenship in the Creek Nation by the tribal authorities, your Commission, or the United States Court.

The Department finds these statements correct. In the Shirley Case it was held that: "The presumptions arising from enrollment, or want of enrollment, may be attacked for 'error or fraud' or for 'error, inadvertence or accident,' but the burden of proof is clearly upon the party disputing the verity of the roll," and in the London case it was stated: "If the applicants are otherwise entitled to be enrolled as citizens of the Creek Nation, the striking of their names from the 1898 roll by the Committee of Eighteen does not affect their rights. This being true, and the names of Frank, Mary and Bettie London appearing upon the 1898 authenticated roll of the Creek Nation, and there being no evidence to show that their names were placed thereon by fraud or without authority of law, they are entitled to be enrolled in accordance with Departmental decision of June 11, 1903, in the Cherokee enrollment case of James V. Shirley."

In accordance with your recommendation, and following the ruling of the Department in the London case, the decision of February 25, 1902, is hereby rescinded.

The testimony in the case is inclosed and you are authorized to readjudicate the matter, after due notice to the attorney for the Creek Nation.

A copy of Indian Office letter submitting your communication is inclosed.

Respectfully

E A Hitchcock

Secretary

2 inclosures

Muskogee, Indian Territory, June 13, 1905.

M. L. Kott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

February 25, 1902, the Department affirmed the decision of the Commission adverse to the applicant in the matter of the application of Jacob Beams for enrollment as a citizen of the Creek Nation.

June 3, 1905, the Department rescinded its action of February 25, 1902, and authorized the Commission to readjudicate the case in conformity with the ruling of the Department in the Creek case of Frank London, et al., after giving due notice to the attorney for the Creek Nation.

You are accordingly notified that you will be allowed a reasonable time within which to take such action as you may desire in said matter, and that in the event no action is taken by you, the case will be adjudicated upon the record now before the Commission.

Respectfully,

Chairman.

Or En 921

Muskogee, Indian Territory, January 13, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Jacob Beams as a citizen of the Creek Nation.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of said Jacob Beams, and if, at the expiration of said time, no protest has been filed, said Jacob Beams will be regularly listed for enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner.

JYM-13-8

Cr.En. 921.

Muskogee, Indian Territory, June 23, 1906.

Jacob Beams,
Haskell, Indian Territory.

Dear Sir:

You are hereby advised that your name is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior June 16, 1906, and that you can now make a selection of land in the Creek Nation for yourself at the Creek Land Office in Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,

Commissioner.

CR EN 922

CR EN 922

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY,
MAY 23, 1905.

In the matter of the application for the enrollment of
Susan Ross, as a Creek Freedman.

Appearances: DeGraffenried & Scruggs,
Attorneys for applicant.

Minnie Anderson, being duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Minnie Anderson.
Q What is your age? A 35.
Q What is your post office address? A Tallahassee.
By DeGraffenried: Q Do you know Susan Ross? A Yes sir.
Q What relation is she to you? A She's my child.
Q How old is she? A Nine years old.
Q Who is the father of Susan Ross? A David Ross.
Q Is he a citizen of the Creek Nation? A Yes sir. Yes sir.
Q Where is he? A He's gone to the penitentiary.
Q State whether or not you at any time appeared before the Dawes
Commission for the purpose of enrolling this child? A Yes sir.
Q What was told you by the Commission? A They told me it wasn't the
law, because I wasn't married to him.
Q What did they ask you? A If I was married.
Q To Dave Ross? A Yes sir.
Q What did you tell them? A I told them no.
Q What did the Commission tell you? A They couldn't enroll me.
Q Because you wasn't married to him? A Yes sir.
Q How long had you lived with Dave Ross? A About two years.
Q Did you and he live together as man and wife? A Yes sir.
Q Did you have an agreement of marriage or not? A Yes sir.
Q Was this child born while you and Dave Ross were living together?
A Yes sir.
Q Now do you know the man to whom you made application? A No sir.
Q Did you come before the regular man in charge in the Creek Depart-
ment? A Yes sir.
Q Who was with you at that time? A His mother was with me.
Q Whose mother? A Dave's mother..
Q What is her name? A Linda Harrison.

By the Commission: The David and Ross and Linda Harrison
referred to in the testimony are identified on Creek Indian
card Field No. 701, and their names are contained on the
partial list of Creek freedmen approved by the Secretary of
the Interior March 28, 1902, roll nos. 2713 and 2712, res-
pectively. It appears from said card that said David Ross
and Linda Harrison were listed for enrollment on September
1894.

By Mr. DeGraffenried:

Q Now since the time you were here and made that application, were you here again to have that child enrolled? A No sir.

Q You took the action of the Commission as final? A Yes sir.

Q Now you wish to renew the application for the enrollment of your child? A Yes sir.

By the Commission.

Q Where was the Commission at that time, were they in this building?

A No sir, I don't know exactly where it was then. It was down somewhere on the ground.

Q Who all were with you at the time you came up? A His mother and myself.

Q Did they put you under oath like we are doing today? A No sir.

Q They didn't take testimony like we are taking today did they?

A No sir.

Q You just told them about the child, and they asked you some questions about the child being illegitimate? A Yes sir.

Q Are you a citizen of the Creek Nation? A No sir.

Q You are a state woman? A Yes sir.

Lona Merrick, being duly sworn, on her oath, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said case on said date.

Lona Merrick

Subscribed and sworn to before me this 24th day of May, 1905.

Charles J. Smith

Notary Public.

922

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskegee, Indian Territory, May 24, 1905.

In the matter of the application for the enrollment of Susan Ross as a Creek Freedman.

APPEARANCE: DeGraffenried & Scruggs. (Per Mr. DeGraffenried) Attorneys for Applicant.

Malinda Harrison, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Malinda Harrison.
Q What is your age? A Well, I don't know how old.
Q About 40 or 45? A About 45.
Q What is your postoffice address? A Tallahassee.
Q Do you know Susan Ross? A Yes sir.
Q Is she related to you? A Yes sir.
Q What relation is she to you? A She's my grand-child.
Q Is she the child of your son? A Yes sir.
Q What is your son's name? A Dave Ross.
Q Did you ever make application for the enrollment of Susan Ross as a citizen of the Creek Nation? A Yes, I came here, tried to, they would not let me.
Q You came here to the Commission? A Yes sir.
Q When was that, do you know? A Directly after I filed.
Q Did you do it at the same time that you filed? A No sir.
Q Tell what happened when you came and made application. A They asked me if I had the child with me and I told them, No.
Q Did you sit down and give testimony in the case, like you are doing now? A No sir. I sat down, just as I sit down and just told them.
Q Just told them about it? A Yes sir.
Q Did they have some one take testimony--some one to ask questions, like they are doing now? A No sir; they told me I couldn't file.
Q Did you make affidavit--write on a piece of paper and swear to it? A No sir.
Q Did you ever come again about this child, after that? A No sir. I never come in no more after they told me I could not file.
Q Did they give any reason? A They asked me if the child was with me, and I told them, No.
Q Is that child living now? A Yes sir.
Q How old is it now, do you know? A I disremember, but I think as near as I could come about it seven years old; I ain't right sure.

BY MR. DEGRAFFENRIED:

- Q Do you recollect--were you around here when the land office opened? when citizens started to file? A Yes sir.
Q Was that child living at that time or not? A Yes, it was living.
Q Was born before the land office opened? A Yes, sir, I expect

it was.

Q Well, now, is it not a fact that they refused to file that child? A Yes sir.

Q Is it not a fact that they refused to file for that child because Dave and the mother of the child has not been married?

A Yes, that's right.

Q Was that the reason they gave you for not filing for that child?

A Yes sir.

Q They refused to file for the child because they were not married?

A Yes sir.

Q You came to have her enrolled? A Yes sir.

Q Where was Dave? A In the penitentiary.

Q Who came here with you? A My husband.

Q Who is the woman that came with you? A Minnie Anderson.

Q Is she the mother of that child? A Yes sir.

Q You and the mother of the child came here to have it enrolled, and the Dawes Commission refused because it was an illegitimate child? A Yes sir.

Q That is she, is it? A Yes sir.

Q Did your son, Dave, live with Minnie Anderson before this child was born? A Yes, they lived together about two years.

Q They were living about the time the child was born? A Yes sir.

Q Did she have any other men at the same time? A No sir.

Q Is she married to anyone now? A Yes sir; she is married now.

Q How long after this child was born before she was married?

A Well, about--I could not tell you how long.

Q Was it not a year or two years? A ----

Q How old was the child when she married? A I don't know how old.

Q Was it a baby in arms or walking? A Walking.

Q Dave is your son, is he? A Yes sir.

Q Did they live together at your house? A No sir.

Q They had a house of their own? A Yes sir.

Q Are you sure that it is the child of your son, Dave Ross?

A Yes, I am sure.

BY ~~THE EXHIBITION~~ MR. DEGRAFFENRIED:

Q Your son recognizes it as his child? A Yes sir.

Q Is it not a fact that he lived with this woman as husband and wife? A Yes sir.

Q They were looked upon in the neighborhood as husband and wife?

A Yes sir, just like old-time way. ~~among the Creeks~~

Q Among the Creeks? A Yes sir.

Minnie Anderson, being duly sworn, testified as follows:

What is your name? A Minnie Anderson.

What is your age? A 35.

What is your postoffice? A Tullahassee.

Are you the mother of Susan Ross? A Yes sir.

Who is the father? A Dave Ross.

You are married to Dave Ross? A No sir.

Did you ever live with him? A Yes sir.

How long before this child was born did you live with him?

A About a year.

Q Was he living with you at the time the child was born? A Yes sir.

- Q How long after it was born did he continue to live with you?
 A A year after it was born.
 Q Were you going with any other men during that time--before the child was born or shortly after? A No sir.
 Q Dave recognizes this child as his? A Yes sir.
 Q Did he ever do anything about supporting it--buy clothes or anything of that kind? A Yes sir.
 Q What did he give it? A Gave it some clothes.
 Q Gave it right along, or just once in a while? A Right along.
 Q Where is the child living now? A The child stays with me.
 Q Ever stay with him--his family? A Yes sir.
 Q How long with Dave? A Off and on--a week or two at a time.
 Q Where is Dave now? A He is in the pen.
 Q Do you know when he is going to get out? A No sir; I don't.

MR. DeGRAFFENRIED: He will probably be in the pen for more than five years.

BY MR. DeGRAFFENRIED:

- Q Did you and Dave live together as husband and wife? A Yes sir.
 Q State whether or not the neighbors recognized you as the wife of Dave at the time you were living with him. A Yes sir.
 Q Did you ~~xxxx~~ have anything to do with any other men when you lived with Dave Ross? A No sir.
 Q You swear that he is ~~that~~ the father that you will bring to enroll? A Yes sir.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me
 this the 24 day of May, 1905.

J. Y. Miller
Edward S. Sines
 Notary Public.

En.922

I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the
enrollment of Susan Ross as a Creek freedman.

SUPPLEMENTAL STATEMENT.

The records of this office show that a citizenship
certificate was issued to Linda Harrison May 6, 1899.

W. O. Deall
Acting Commissioner.

Muskogee, Indian Territory,

September 5, 1905.

En.922.

I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment of Susan Ross as a Creek freedman.

(Clerk)

DECISION.

The record in this case shows that on May 23, 1905, Minnie Anderson appeared before the Commission to the Five Civilized Tribes, in Muskogee, Indian Territory, and presented testimony relative to an application for the enrollment of her minor child, Susan Ross, as a Creek freedman alleged to have been made by her prior to September 1, 1904, on which date the rolls of the Creek Nation were closed by order, dated June 13, 1904, of the Secretary of the Interior, under authority in him vested by act of Congress of March 3, 1901 (31 Stats., 1058). Further proceedings were had May 24, 1905, and September 5, 1905.

It appears from the evidence that during the year 1899, said Minnie Anderson appeared in person before the Commission to the Five Civilized Tribes and stated that she desired to make application for the enrollment of her said minor child, Susan Ross; that she was advised by said Commission that said minor child was not entitled to enrollment and that, relying on said advice, she made no further effort to complete said application for its enrollment.

An examination of the records of this office shows that no record has been made of an application for the enrollment of said Susan Ross as a Creek freedman.

I am of the opinion that the evidence shows that application was made for the enrollment of said Susan Ross as a Creek freedman prior to September 1, 1904, and that said application should now be determined on its merits, and it is so ordered.


Commissioner.

Muskogee, Indian Territory,

JAN 12 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 31, 1906.

In the matter of the application for the enrollment of Susan Ross as a Creek Freedman:

R. P. Degraffenreid, attorney for applicant.

APPEARANCES:

An effort was made to communicate with the office of the Creek Attorney.

BY THE COMMISSIONER:

LIZZIE ANDERSON, being duly sworn, testified as follows:

- Q What is your name? A Lizzie Anderson.
Q How old are you? A Thirty-one.
Q What is your post office address? A Tullahasse.
Q Do you know David Ross? A Yes, sir.
Q Is he living? A Yes, sir.
Q Where is he? A In the Penitentiary.
Q At Ft. Leavenworth? A Yes, sir.
Q Do you know Minnie Anderson? A Yes, sir.
Q Is she any kin to you? A My sister-in-law.
Q She married your brother? A Yes, sir.
Q Do you know a child of hers named Susan? A Yes, sir.
Q What is the full name of that child? A Susan Ross.
Q Did you live near them when that child was born? A Yes, sir, in hollering distance.
Q Were you present when the child was born? A Yes, sir.
Q Is the child living? A Yes, sir.
Q About how old is it? A Will be ten in March.
Q Was Minnie married to the father of the child? A No, sir, but she was living just like they was married.
Q Who was the father? A David Ross.
Q How do you know that? A They was living right in the house together and I know she was not going with any other man and it was bound to be his'n.
Q Did she ever tell you that David Ross was the father of that child? A Yes, sir.
Q Before it was born? A Yes, sir.
Q Did David Ross ever tell you that he was the father of the child? A Yes, sir, he told me he was the father of the child since he come from the pen.
Q This is his second term in the penitentiary? A Yes, sir.
Q Did he tell you it was his child before it was born? A Yes, sir.
Q After it was born did he tell you it was his child? A Yes, sir.
Q And he always recognized it as his child? A Yes, sir.
Q In the neighborhood in which you live, is David Ross recognized as the father of that child? A Yes, sir.

By Mr. Degraffenreid:

- Q Was David living with her at the time this child was born? A Yes, sir.
Q Do you know about how long he lived with her after the child was born? A I can't recollect.
Q Did he treat it as his child? A Yes, sir.
Q Whose child did he speak of it being? A As his.
Q How long did they live together as husband and wife? A Two years.
Q Were they looked upon, in the neighborhood as husband and wife? A Yes, sir.
Q What was she called in the neighborhood at the time they were

En. 922---2.

living together? A The young folks called her Mrs. Ross because they didn't know any better but the old folks didn't.

Q Did they occupy the same room together? A Yes, sir.

Q How long did they occupy the same room before the child was born?

A I don't know. I know they lived together two years.

By The Commissioner:

Q Do you know that they lived together as much as nine months before the child was born? A Yes, sir.

By Mr. DeGraffenreid:

Q What is that child's name in that neighborhood? A Susie Ross.

MALINDA HARRIS, being duly sworn, testified as follows:

BY THE COMMISSIONER:

Q You have testified in this case before? A Yes, sir.

Q Are you the mother of David Ross? A Yes, sir.

Q Did he ever tell you that he was the father of this child, Susan?

A Yes, sir.

By Mr. DeGraffenreid:

Q Did he acknowledge the child, at all times, as his? A Yes, sir.

Q Was he living with this woman at the time the child was born? A Yes, sir.

Q How long after the child was born did he live with her? A I couldn't tell you.

Q He was living with her when he went to the pen? A Yes, sir.

---000000000---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 2 day of February, 1906.

Wm. May
Notary Public.

En.922.

I.S.N.

DEPARTMENT OF THE INTERIOR,
~~COMMISSIONER TO THE FIVE CIVILIZED TRIBES.~~

In the matter of the application for the enrollment of
Susan Ross as a Creek freedman.

DECISION.

It appears from the evidence in this case that during the year 1899, application was attempted to be made by Minnie Anderson before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, for the enrollment of her minor child, Susan Ross, as a Creek freedman and said attempted application is considered as an original application for the enrollment of said child.

The record shows that further proceedings were had in this case on May 23, 1905, May 24, 1905, September 5, 1905 and January 12 and January 31, 1906.

The evidence shows that Susan Ross is the illegitimate child of Minnie Anderson, a non citizen, and David Ross whose name appears on the partial list of Creek freedmen approved by the Secretary of the Interior March 28, 1902; that she was born prior to April 1, 1899 and was living at the date of the last proceedings herein.

It is therefore ordered and adjudged that said Susan Ross is entitled to be enrolled as a Creek freedman in accordance with the provisions of the act of Congress approved March 1, 1901, (31 Stats., 861) and the application for her enrollment as such is accordingly granted.



Commissioner.

Muskogee, Indian Territory,

FEB 13 1907

Cr.Nn.922

Muskogee, Indian Territory, April 16, 1906.

De Graffenreid & Scruggs,

Attorneys for Susan Ross,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Susan Ross as a Creek freedman, there is inclosed herewith original and three carbon copies of interrogatories prepared by this office to be propounded to David Ross, the alleged father of said applicant, who, as shown by the evidence in this case, is confined in a penitentiary, the name of said penitentiary not being given.

You are requested to secure the evidence of said David Ross in the blank spaces following said interrogatories, have same duly signed and executed before a notary public and return to this office at the earliest practicable date.

Respectfully,

AG-16

Acting Commissioner.

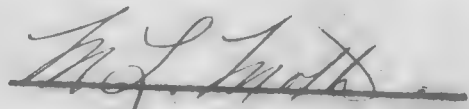
Muskogee, Indian Territory, *February 13* 1907

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Creek Nation hereby waives protest in this case, reserving to itself however, the right to attack the enrollment of this person if after investigation it is found that said enrollment was obtained from fraudulent evidence.

Respectfully,



Creek National Attorney.

J.P.T.

En 922
Creek T 1902

Muskogee, Indian Territory, March 18, 1907.

David Ross,

Tallahassee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, approved the enrollment of your minor child, Susan Ross, as a Creek Freedman, whose name appears opposite number 5690.

This child is now entitled to allotment, and application therefor should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

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CR EN 923

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B.K.

CR

EN 924

CR EN 924

Creek I. 3705.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE INDIAN TERRITORY.
April 18, 1905.

In the matter of the right to enrollment of Barteloguee as a citizen by blood of the Creek Nation.

Jimsey Fish being duly sworn, testified as follows:
Through Official Interpreter, Lona Merrick.

- Q What is your name? A Jimsey Fish.
Q What is your age? A I don't know. Witness appears to be about 50.
Q What is your post office address? A Mellette.
Q Do you know Barteloguee? A Yes sir. She was my sister.
Q She is dead, is she not? A Yes sir.
Q How long has she been dead? A I think she died in 1901.
Q Do you know how many years ago that was? A About four years ago.
Q Where was she buried? A She was buried right there at her home.
Q Did you make a record of any kind of the date of the death of Barteloguee? A No sir.
Q Do you remember when you filed on your land? A No sir, I don't remember just when it was.
Q I do not want to know when that date was, I just want to know if you remember the circumstance of coming up here to file on your land? A I did not come up here, the Commission made an arbitrary allotment to me.
Q Did any one make a record of the death of Barteloguee? A It was made in the Church record by the clerk of the church.
Q Who was the clerk of that church? A William Givens.
Q Where is that church? It is called the Tuckabatchee church.
Q Did Barteloguee die before or after your wife Hannah died?
A Barteloguee died first.
Q How long before Hannah died was it that Barteloguee died? A I think she died in the same year.
Q Do you know what time of the year it was that Hannah died?
A It was in the summer time.
Q In what year did Hannah die? A I don't remember the year Hannah died, but it was in the same year Barteloguee died, and that was in 1901.
Q Do you know Caesar Killer and Caddo Wadsworth? A Yes sir.
Q Do they live near you? A Yes sir.
Q Caesar Killer and Caddo Wadsworth came in here in 1902 and swore that Hannah Fish died on the 4th day of February, 1900, do you know whether or not that date is correct? The reason I know that the date I am giving now is correct, is that the death of Barteloguee is recorded in the Church Record at Tuckabatchee, and Hannah died after Barteloguee did, in the same year, but Caddo Wadsworth and Caesar Killer got ahead of me and came here and made the affidavit.
Q Was Barteloguee a member of the Tuckabatchee Church? A Yes sir.
Q Does William Givens, the clerk of the Church, make a record of the dates of the death of all the members of that Church? A Yes sir.
Q Did William Givens copy this record you brought in this morning, or did you copy it? A William Givens made the copy.
Q When did he make this copy? A It was last Monday.

Witness presents what proves to be a copy of the church record signed by William Givens, clerk of Tuckabatchee Church. This record reads as follows: "Copy of Church Record shows of Sarteloge died June 15, 1901. (Signed) William Givens, Clerk of Tuckabatchee Church." This certificate is made a part of the record herein.

-----oOo-----

William Givens, being duly sworn, testified as follows:
Through Official Interpreter, Lena Merrick.

- Q What is your name? William Givens.
Q What is your age? A About 25.
Q What is your post office address? A Mellette.
Q Are you clerk of Tuckabatchee Church? A Yes sir.
Q How long have you been clerk of that church? A About five years.
Q Did you make a record --- do you make a record of the dates of the death of all the members of that church? A Yes sir.
Q Did you make this record of the date of the death of Sarteloge?
A Yes sir.
Q How long after her death did you make that? A I made the record the day after she died.
Q Do you know Hannah Fish the wife of Jimsey Fish? A Yes sir.
Q Do you know when she died? A She died after Sarteloge died, and that was in 1901, but the affidavit of Caddo Wadsworth and Caesar Killerstates that she died the year before Sarteloge died, which is not true, as she died after Sarteloge died.
Q Where do you keep that church record? A I keep it at home.
Q Did you make a record of the death of Hannah Fish? A Yes sir, I made a record of it. It is at the church in the church record.

-----oOo-----

Lena Merrick, being duly sworn, states that the above and foregoing is a full and correct transcript of my stenographic notes as taken in said cause on said date.

Lena Merrick

Subscribed and sworn to before me this 18th day of April, 1905.

J. E. Parrish
Notary Public.

My Com. expires Apr. 11-1909.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T. JUNE 22, 1905.

In the matter of the application for the enrollment of
Sa-to-le-ke, deceased, as a citizen by blood of the Creek Nation.

Jimsey Fish, being duly sworn, testified as follows, through
official interpreter, Jesse McDermott.

Examination by the Commission.

- Q What is your name? A Jimsey Fish.
Q What is your age? A About 90.
Q What is your post office address? A Mollette.
Q Do you know Sa-to-le-ke? A Yes sir.
Q Is she related to you? A Yes sir.
A Yes sir, she is my sister.
Q Did you bring in the record of the Church which I told you to
bring in the other day? A Yes sir.

Witness presents a Journal which is entitled the
Tuckabatchee Church Record; on the third page of which appears
a list of the leading members of the Church, after some
of the names, dates of death are given; there are fourteen
names in the list and after the thirteenth is written:
"Sarteloge Fish she was died in 6/15, 1901."

- Q Who made the record in this book? A William Givens.
Q Is he the clerk of the Church? A Yes sir.
Q Did he make the record in this after she died? A Yes sir. He
testified to that effect in August.

J. C. Griesel, being duly sworn, states that the above and
 foregoing is a true and correct transcript of his stenographic
 notes as taken in said case on said date.

J. C. Griesel

Subscribed and sworn to before me this 23rd day of June, 1905.

J. M. McDermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Mallette, I. T., September 13, 1906.

In the matter of ^{Right to} the enrollment of Barteloguee as a citizen by
blood of the Creek Nation.

JOHN BRIGHT, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A John Bright.
Q What is your age? A Forty-two.
Q What is your post office address? A Mallette.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Tuladega.
Q Do you know Barteloguee? A Yes, sir.
Q Is she living? A She is dead.
Q Do you know when she died? A She died in 1897.
Q Do you know in what month and on what day? A June 15.
Q How do you fix the date of her death? A I have a record.

The witness presents the Tuckabatche Church Record Book,
on Page 93 of which, under the caption "Church Members who have
died", appears the following entry:
"Lissie Fish she died in 6/15/1897."

- Q Does this entry refer to Barteloguee? A Yes, sir. She was known
as Lissie Fish in the church. Her Indian name was Barteloguee.
Q Who made this record? A William Givens.
Q What position does William Givens hold in the church? A Secre-
tary of the Church.
Q Was he Secretary of Tuckabatche Church at the time this record was
made? A Yes, sir.
Q What position do you hold in the Church? A I am a Deacon.
Q Was William Givens the custodian of this book at the time the
record was made? A Yes, sir.
Q When did you come in possession of this book? A Just before the
meeting of the Baptist Association at Silver Spring, in August.
Q Was Barteloguee a member of Tuckabatche Church? A Yes, sir. That
is the only authentic record.

The book referred to contains the minutes of the various
meetings of the church and a record of the deaths of the various
members.

- Q Do you remember the circumstance of the opening of the Creek Land
Office? A Yes, sir.
Q Did Barteloguee die before or after the opening of the Creek Land
Office? A She died before.

On Page 3 of the book referred to, under the caption "Lady
members of the Church", appears the names of fourteen persons.
The 13th is as follows:

"Barteloguee Fish she was died in 6/15/01."

- Q Which of these two dates is correct? A The record on page 93 is
correct and is so regarded by the Church. The record on Page 3 was
evidently made at a later date. Page 3 is not used for the
records of the deaths but for entering the names of the lady members
of the church, therefore.

No. 924.--2.

Who made the entry on Page 3? A William Givens.

---see000000---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 25 day of Sept. 1905.

J. H. Amos
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Bufala, I. T., September 16, 1905.

In the matter of the application for the enrollment of Barteloge, deceased, as a citizen by blood of the Creek Nation.

WILLIAM GIVENES, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A William Givenes.
Q How old are you? A About twenty-five.
Q What is your post office address? A Helotte.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Tuckabatche.
Q Do you know ~~Kiamihatche~~ Barteloge? A Yes, sir.
Q Was she a member of your town? A No, sir, she belonged to Huchachuppa town.
Q Do you know when she died? A I have forgotten the date of her death though I transcribed the record of her death from the old church record book of Tuckabatche Church while I was Secretary.
Q Did you not make a record of her death yourself? A I meant that I transcribed the record. I did not make it myself.
Q Do you know who made the record of her death? A I do not know. I was in school at the time.
Q In what year were you attending school? A In 1898.
Q Barteloge died while you were in School did she? A Yes, sir.
I gave testimony in this case before the Commissioner at Muskogee and made a mistake as to her death. I wish now to correct it.
Q On Page 93 of the Tuckabatche Church record book, under the caption 'Members who have died,' appears the following entry: "Lissie Fish she died in 6/15/1897," and on Page 5 of said book, under the caption 'Lady members' appears the following entry: "Barteloge Fish she was died in 6/15/01." Was Barteloge also known as Lissie Fish? A Yes, sir, that was the name she was known by in the Church.
Q Did you transcribe both of those records from the old record book of the Church? A Yes, sir.
Q You stated in your testimony, April 18, 1905, that you made a record of the death of Barteloge the day after she died? A I meant that I transcribed the record of her death from the old book into the new book the day after she died.
Q You wish now to correct that statement do you? A Yes, sir.
Q Which of the two records do you regard as being correct? A I regard the date of her death given as 1897 correct.
Q Did Barteloge die before the opening of the Creek Land Office? A I do not know the date of the opening of the land office but I think she died before people began making selections of land.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 16 day of Oct 1905.

D. C. Skaggs

Edw. Schiesel

Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Tulaula, I. T., September 23, 1905.

In the matter of the application for the enrollment of Barteloge,
deceased, as a citizen by blood of the Creek Nation.

CAD WADSWORTH, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Cad Wadsworth.
Q How old are you? A Sixty-three.
Q What is your post office address? A Tulaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Coweta.
Q Did you know Barteloge? A Yes, sir, she was a sister to Jimsey Fish.
Q Do you know when she died? A I won't be positive but she died along in 1897.
Q That was before the Creek Land Office opened? A Yes, sir.
Q What makes you think she died before the land office opened? A I had a child that died in 1898--in the Fall of 1898,--and I showed them the papers and they told me I couldn't do anything with it and I knew that woman was dead then. If I was at home I could tell just when she died because I bought some cattle from her just before she died and I gave her a check for them and I got it on one of the stubs at home.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 16 day of Oct 1905.

E. W. S. S. S.
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

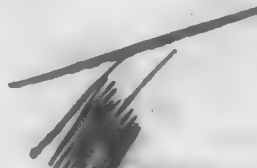
In the matter of the application for the enrollment of
Sarteloge, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on April 26, 1901, the name of Sarteloge, deceased, as Sa-te-lo-ke, was listed for enrollment on Creek Indian card number 3705, which said card is considered as an application for the enrollment of said Sarteloge, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had April 18, 1905, June 22, 1905, September 13, 1905, September 16, 1905, and September 23, 1905. A copy of testimony taken November 24, 1903, in the matter of accounting for those persons whose names appear on the Creek Tribal Rolls and who are not otherwise accounted for is made part of the record herein.

The evidence shows that said Sarteloge, deceased, died prior to April 1, 1899.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Sarteloge, deceased, as a citizen by blood of the Creek Nation and the application for her enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

NOV 11 1905

Cr. En.

Muskogee, Indian Territory, July 5, 1908

N. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed a copy of the testimony in the matter of the application for the enrollment of Sar-to-le-ke, deceased, as a citizen by blood of the Creek Nation, the Creek Nation will be allowed twenty days from date within which to submit such evidence in the case as it may desire.

Respectfully,

Commissioner.

En.924

Muskogee, Indian Territory, November 14, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Bartelago, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated November 11, 1905.

Respectfully,

Commissioner/

Through the
Commissioner of Indian Affairs.

924-4

Bn.924

Muskogee, Indian Territory, November 13, 1905.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Barteloge, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

924-3

En. 924.

Muskogee, Indian Territory, November 14, 1905.

Cravens, Rutherford & Cravens, ✓
Attorneys for Jimsey Fish,
Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Bartelgee, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

924-2

En.924

Muskegee, Indian Territory, November 14, 1905.

Jimsey Fish,

Mellette, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your sister, Sartelgee, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

En.924

#924

Refer in reply to the following:

COPY.

Land
91985-1905

DEPARTMENT OF THE INTERIOR, GAW
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. January 12, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated November 14, 1905, transmitting the record of the application for enrollment as a Creek citizen of Sarteloguee, deceased.

November 11, 1905, the Commissioner decided adversely to the application.

The record shows that Sarteloguee died prior to April 1, 1899.

In view of the record and of the act of March 1, 1901 (31 Stats., 861), the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

CCM
C

C.F. Larrabee
Acting Commissioner

I.T.D.700-1906

LBS

DEPARTMENT OF THE INTERIOR,

WASHINGTON, January 28, 1906. LLB JPJr

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

November 14, 1906, you transmitted the record in the matter of the application of Sarteloguee, deceased, for enrollment as a citizen by blood of the Creek Nation.

Report ing January 12, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision dated November 11, 1905, is hereby affirmed.

Respectfully,

Thos Ryan

First Assistant Secretary

1 inclosure.

En. 924.

Muskogee, Indian Territory, February 3, 1906.

Jimsey Fish,

Malette, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 23, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Sarteloge, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

POST-OFFICE :

~~Chesler~~ Ind. Tex.

Roll.

CARD NO.

FIELD NO.

3105

1874

DAWES' Roll No.	NAME.	Relationship to Person in Name.	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT.		TRIBAL ENROLLMENT OF PARENTS				
						Year.	No.	Name of Father.	Year.	Name of Mother.	Year.	
1	Sa-to-lo-ke		48	F	Full	1890	Kutchichuppa	Page 118				
2												
3												
4												
5												
6												
7												
8												
9												
10												
11												
12												
13												
14												
15												
16												
17												
18												

Stricken

No. on 1890 Roll was "Sato lo-ke" - Sato lo-ke
" " 1895 " " No. 12, as "Sato lo-ke"
" I died about 3 years ago.
J. H. H. H. H.

April 6, 1901

No. 12, as "Sato lo-ke" April 1, 1901

CR EN 925

CR EN 925

Creek T. 3704.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE INDIAN TERRITORY.
April 12, 1905.

In the matter of the right to enrollment of Cinda Fish
as a citizen by blood of the Creek Nation.

Jimsey Fish being duly sworn, testified as follows, through
Official Interpreter, Lena Harriok.

- Q What is your name? A Jimsey Fish.
Q What is your age? A I don't know. (Witness It appears from the
record of the Commission witness appears to be about 49 years old.
Q What is your post office address? A Mellette.
Q Have you a child named Cinda. Yes, but she is dead.
Q What was her mother's name? A Barney.
Q Did Cinda die before or after your wife Hannah died? A She died
before my wife died.
Q How long before? A I don't know, I guess about two months after.
Q They died in the same year? A Yes sir.
Q Do you remember what time of the year it was in? A It was in
the summer time.
Q Did you make a record of the date of her death? A No sir.
Q Do you know Chootaw Givens? A Yes sir.
Q Do you know Robert Selumba? A Yes sir.
Q Do they live near you? A Yes sir.
Q How near to you do they live? A I guess about three or four miles.
Q Are they good friends of yours? A I can't tell you whether they
are or not.
Q Well, did you ever have a falling out with them? A No sir.
Q Is Chootaw Givens a relative of William Givens? A Yes, sir,
Chootaw is William Givens' father.

-----000-----

William Givens being duly sworn, testified as follows, through
Official Interpreter.

- Q What is your name? A William Givens.
Q What is your age? A About 25.
Q What is your post office address? A Mellette.
Q You are the clerk of the Tuckabatchee Church, are you not?
A Yes sir.
Q Did you make this record relating to the death of Cinda Fish?
A Yes sir.
Q This record states that Cinda Fish died August 26, 1901, is that
correct? A Yes sir.
Q When did you copy this from your Church Record? A Last Monday.
Q How long after Cinda Fish died before you made the record in your
church record? A About two days after she died.
Q Do you live with your father, Chootaw Givens? A No sir.
Q Were you living with him when Cinda Fish died? A Yes sir, I was
living with my father.

Q. You say in this record that Cinda Fish died August 20, 1901, now six days before that, that is on the 20th of August, 1901, your father Cheekay Givens came in here and made an affidavit that Cinda Fish was dead and that she died before the first day of April, 1899. Now do you think it is possible for you to be mistaken about the date of her death?

A. My father certainly must be mistaken. I have been the clerk of the Tuckabatchee Church for five years, before that I do not know who had charge of the books. The date of Cinda Fish's death may have been recorded before the books were turned over to me. I will look up the matter when I go home and find out which is the correct date.

The copy of the Church record signed by William Givens, relating to the death of Cinda Fish is made a part of the record herein.

-----200-----

Lena Merrick, on oath states that the above and foregoing is a true and correct transcript of her stenographic notes of said proceedings had in said cause on said date.

Lena Merrick

Subscribed and sworn to before me this 18th day of April, 1905.

My Comm. expires April 17, 1909

Jera C. Merrick
Notary Public.

CR. I. 3704.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T. JUNE 22, 1906.

In the matter of the application for the enrollment of
Cinda Fish as a citizen by blood of the Creek Nation.

Jimsey Fish being duly sworn, testified as follows:
Through Official Interpreter, Jesse McDermott.

Examination by the Commission:

- Q What is your name? A Jimsey Fish.
Q What is your age? A About 50.
Q What is your post office address? A Mellette.
Q You are the father of Cinda Fish are you? A Yes sir.
Q You gave testimony in the month of April of this year? A Yes sir.
Q Have you the record of her death with you? A Yes sir.

Witness presents a Journal which is entitled the Tuckabatchee Church Record. William Givens, Clerk. On page three of said book appears a list of lady members of said Church. There are fourteen names in the list and the fourteenth is as follows: "Cindie Fish, she was died in 8/26 1901."

- Q Does this record refer to your daughter about whom you gave testimony in April? A Yes sir.

J. C. Grissel, being duly sworn states that the above and foregoing is a true and correct transcript of his stenographic notes as taken in said case on said date.

J. C. Grissel

Subscribed and sworn to before me this 23rd day of June, 1906.

J. M. McDermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Maletto, T. T., September 13, 1905.

right to
In the matter of the enrollment of Ginda Fish as a citizen by
blood of the Creek Nation.

JOHN BRIGHT, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A John Bright.
Q How old are you? A Forty-two.
Q What is your post office address? A Maletto.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Tuladaga.
Q Did you know Ginda Fish? A Yes, sir.
Q When did she die? A I have a record in this book.

Witness presents the record book of Tuckabatche Church on
Page 93 of which, under the caption "Church members who have
died," appears the following entry:

"Ginty Fish she died in 2/25/1898."

- Q Does this entry refer to Ginda Fish? A Yes, sir.
Q Who made this record? A William Givens.
Q What position does William Givens hold in the church? A Secretary
of the Church.
Q Was he Secretary of Tuckabatche Church at the time this record was
made? A Yes, sir.
Q Was he the custodian of this book at the time the record was made?
A Yes, sir.
Q What position do you hold in the church? A I am a Deacon.
Q When did you come into possession of the book? A Just before the
meeting of the Baptist Association at Silver Springs in August.
Q Was Ginda Fish a member of Tuckabatche Church? A Yes, sir.

On Page 3 of the book referred to, under the caption "Lady
members of the church," appears the names of fourteen persons.
The 14th is as follows:

"Gindia Fish she was died in 2/25/91."

- Q Does this entry refer to Ginda Fish? A Yes, sir.
Q Who made this entry? A William Givens.
Q Which of these two dates is correct? A The record on Page 93 is
correct and is so regarded by the Church. The record on Page 3 was
evidently made at a later date. Page 3 is not used for the record
of the deaths but for the names of the lady members of the church.

---00000000---

I, D. S. Shaggs, on oath state that the above and foregoing is a
full and true transcript of my stenographic notes as taken in said
cause on said date.

Subscribed and sworn to before me this 13th day of Sept 1905.

D. S. Shaggs

John Bright

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Burlington, I. T., September 16, 1905.

In the matter of the application for the enrollment of Ginda Fish as a citizen by blood of the Creek Nation.

WILLIAM GIVENS, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A William Givens.
- Q How old are you? A About twenty-five.
- Q What is your post office address? A Molette.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q To what town do you belong? A Tuckabatche.
- Q Do you know a member of your town named Ginda Fish? A Yes, sir.
- Q You have heretofore testified in this case have you? A Yes, sir.
- Q Do you know when she died? A I made a record of her death but I can't just recall the date. I think it was the 26th of August.
- Q Do you know in what year? A I think it was 1901.
- Q Upon what did you make that record? A In the Tuckabatche Church Record Book.
- Q What position do you hold in the Tuckabatche Church? A I was formerly secretary of the Church.
- Q Who has possession of the book to which you refer? A John Bright.
- Q The Tuckabatche Church record book in the possession of John Bright was examined and two records of the death of Ginda Fish were found therein. On Page 3 of said book, under the caption 'Lady members of the Church', the following entry appears: "Ginda Fish she was died in August 26, 1901," and on Page 93 of said book, under the caption 'Members who have died', another entry appears as follows: "Ginty Fish she died in August 26, 1898." Which of these two dates is correct? A The date given on Page 3.
- Q When did you make the entry on Page 3? A I have forgotten just when I made the entry.
- Q How long was it after her death? A I made the entry on Page 3 the next day after her death.
- Q Did you enter the date of the deaths of all the members of Tuckabatche Church on Page 3? A Yes, sir.
- Q When did you make the entry concerning the death of Ginda Fish on Page 93? A The entries on Page 93 were transcribed from an old record book and the entry relating to the date of the death of Ginda Fish I found was not correct and so entered the date of her death on Page 3.
- Q Who made the record in the old record book to which you refer? A I do not know, there were a number of Secretaries of the Church before me.
- Q Can you name any of them? A Bobie Roberts, Billy Gambler and Harley Gray, all of whom are now dead. The record of Ginda's death in the old record book was made by one of these three persons.
- Q What circumstance fixes it in your mind that Ginda Fish died August 26, 1901? A I simply remember the date of her death.
- Q Do you remember the circumstance of the opening of the Creek Land Office? A I heard about people going to Muskogee to file but I did not pay any attention to the date.
- Q Was Ginda Fish living at that time? A Yes, sir.
- Q Do you know any one who had filed on his allotment at the time she died? A I cannot point out any single individual but I know that a number of people made selection of land. Ginda Fish was living and a student at the High School at the time William McCombs was Superintendent. (The McCombs was Sup't. of the Muskogee High School in 1901)

No. 925.---2.

Q How long was it after Ginda Fish left the Tufaula High School until she died? A I do not know.

Q Was it as much as a year? A I do not now remember whether it was one or two years after she left school.

Q Were you present at her death or burial? A I was present when she was buried.

Q How long did you serve as Secretary of Tuckabatche Church? A Between five and six years.

Q You are positive are you that the correct date of Ginda Fish's death was August 26, 1901? A Yes, sir.

---ooo000ooo---

I, D. O. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D O Skaggs

Subscribed and sworn to before me this 16 day of Oct, 1905.

Charles S. Sweeney
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Bufoala, I. T., September 23, 1899.

In the matter of the application for the enrollment of Cinda Fish as a citizen by blood of the Creek Nation.

CHOCTAW GIVENS, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Choctaw Givens.
Q How old are you? A About fifty-seven.
Q What is your post address? A Bufoala.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Thlopthlocco.
Q Did you know Cinda Fish? A I was well acquainted with her.
Q Do you know when she died? A I do not know just when she died.
Q Did you ever execute an affidavit relative to her death? A Yes, sir, I executed an affidavit that she was dead but that I did not know the date of her death.
Q August 20, 1901, you and Robert Selumber executed an affidavit that Cinda Fish died prior to April 1, 1899? A The affidavit was executed before a representative of the Commission and I did not swear that she died prior to April 1, 1899. I simply swore that she was dead and if the affidavit states that she died prior to April 1, 1899, the date was written in the affidavit by the Commission without my sanction.
Q Do you now know whether or not she died prior to April 1, 1899? A I do not know.
Q How many years has it been since she died? A I cannot state.
Q Had any one that you know made selection of land at the time she died? A I cannot say as to that.
Q Was Cinda Fish a member of the Tuckabatche Church? A Yes, sir.
Q Do you know whether or not her death was recorded in the record book of Tuckabatche Church? A I do not know.
Q What relation is William Givens to you? A He is my son.
Q Was he Secretary of the Tuckabatche church at the time Cinda Fish died? A He has been Secretary of the Church but I do not know whether he was Secretary at the time she died.

ROBERT SELUMBER, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Robert Selumber.
Q How old are you? A Thirty-eight or thirty-nine.
Q What is your post office address? A Bufoala.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Tullahasseche.
Q Did you know Cinda Fish? A Yes, sir.
Q Do you know when she died? A I do not.
Q Have you ever executed an affidavit as to her death? A Yes, sir, I executed an affidavit that she was dead but did not give any date. I do not know whether she died before or after the opening of the land office. Will Wallace was interpreting for the Commission at the time I executed the affidavit and he was not a good interpreter. I gave no date whatever when I executed the affidavit. I simply stated that Cinda Fish was dead.

En. 920, ---2.

I, D. C. [illegible], do hereby state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. [illegible]

Subscribed and sworn to before me this 16 day of Oct, 1903.

[illegible]
Notary Public.

Or. Ex. 925

I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Cinda Fish, deceased, as a citizen by blood of the Creek Nation.

.....DECISION.....

The record in this case shows that on August 20, 1901, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavit of Choctaw Givens relative to the death of Cinda Fish, which said affidavit is considered as an application for the enrollment of said Cinda Fish, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had April 18, 1905, June 22, 1905, September 13, 1905, September 16, 1905 and September 23, 1905.

The evidence shows that said Cinda Fish, deceased, died prior to April 1, 1899.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Cinda Fish, deceased, as a citizen by blood of the Creek Nation, and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory,

NOV 11 1905


Commissioner.

✓ 925
Muskogee, Indian Territory, July 3, 1906.

M. E. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the testimony in the matter of the application for the enrollment of Cinda Fish, deceased, as a citizen by blood of the Creek Nation. In addition to said testimony there are on file with the Commissioner to the Five Civilized Tribes affidavits executed August 20, 1901, by Choctaw Givens and Robert Selumbar, in which it is stated that said Cinda Fish died prior to the first day of April, 1899.

You will be allowed twenty days from date within which to submit such evidence in the case as you may desire.

Respectfully,

Enc.
24-46.

Commissioner:

Ada, Indian Territory, October 2, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

There is enclosed herewith testimony taken September 13, 18 and 23, 1905, in the matter of the application for the enrollment of Cinda Fish, deceased, as a citizen by blood of the Creek Nation, together with copies of the testimony heretofore taken in said case.

I am unable to secure further evidence in said case.

Respectfully,

Alfred P. Bissell
Clark in Charge Creek Field Party.

INDEXED

COMMISSIONED TO FIVE YEARS

No.	Received	ALL WENT
45738	OCT - 2 1905	Book Page
1905		

Dowdy, Alex,
Burlington, I.T.,
Creek nation,
Oct. 2, 1905.

Transmits testimony in re
application for enrollment
of Linda Fish deceased, as a
Creek citizen.

CREEK ENROLLMENTS

En. 926

Muskogee, Indian Territory, November 13, 1905.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Cinda Fish, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-13-10

Bn. 924

Muskogee, Indian Territory, November 13, 1905.

Cravens, Rutherford & Cravens,
Attorneys for Jimsey Fish,
Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Ginda Fish, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-13-9

Ena 225

Mustang, Indian Territory, November 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Ginda Fish, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated November 11, 1905.

Respectfully,

Commissioner,

Through the
Commissioner of Indian Affairs.

AG-13-16

En. 928

Muskogee, Indian Territory, November 13, 1906.

Jimsey Fish,

Mallette, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of your child, Ginda Fish, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-11-8

#925 COPY.
Refer in reply to the following:

Land
91823-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. January 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report from the Commissioner to the Five Civilized Tribes, dated November 13, 1905, forwarding the record of proceedings in the matter of the application for enrollment of Cinda Fish, deceased, as a citizen by blood of the Creek Nation.

On November 11, 1905, the Commissioner to the Five Civilized Tribes rendered a decision denying the application.

The record in this case shows that on August 20, 1901, there was filed with the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, an affidavit by Choctaw Givens, relative to the death of Cinda Fish, which said affidavit is considered by the Commissioner as an application for the enrollment of said Cinda Fish, deceased, as a citizen by blood of the Creek Nation'.

The evidence in this case shows that Cinda Fish, deceased, died prior to April 1, 1899, while the testimony endeavors to establish the date of her death as August 26, 1901, and in evidence thereof is presented a journal entitled the Tuckabatchee Church Record, William Givens clerk, on page three of which appears a list of lady members of said church. There are 14 names in the list, and the 14th is as follows: "Cinda Fish. She was died in 8/26, 1901."

Upon an examination by the Commissioner, William Givens was asked when Cinda Fish died, to which he answered that he had made a record of her death, but could not just recall the date-- thought it was the 26th of August, but was not positive as to the month or year; and that he was at that time secretary of the church. On page 93 of said journal, under the caption, "members who have died," another entry appears, as follows: "Cinty Fish, she died in August 25, 1898." When asked which of these two dates was correct, the affiant, William Givens, said the date given on page three, and that he had made the entry on page three the next day after her death.

In his testimony, William Givens declares that he is positive that the correct date of Cinda Fish's death was August 26, 1901. Lumber Bright, Pastor of the Tuckabatchee Church, testified that the record on page 93, of the Church Record Journal, was correct, and that on page three was the record of the lady members of the church. He further testified that he has been pastor of the church four months and was a deacon thereof for fifteen years prior to the time he was made pastor, and that the church recognizes the record on page 93 as being the only authenticated record of the death of Cinda Fish. He also testified that Cinda Fish died before the opening of the Creek Land Office.

All the evidence and testimony in this case shows conclusively that Cinda Fish, deceased, died prior to April 1, 1899, and I therefore concur in the decision of Commissioner Bixby that there is no authority of law for the enrollment of Cinda fish, deceased, as a citizen by blood of the Creek Nation, and I accordingly respectfully recommend that the application for her enrollment as such be denied.

Very respectfully,

C.F. Larrabee
Acting Commissioner

CTC D

#925

LLB

JPJJr

I.T.D.596-1906
LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON. January 23, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

November 13, 1905, you transmitted the record in the matter of the application of Cinda Fish, deceased, for enrollment as a citizen by blood of the Creek Nation.

Reporting January 11, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated November 11, 1905, is hereby affirmed.

Respectfully,

Thos Ryan

First Assistant Secretary

1 inclosure

En. 925.

Muskogee, Indian Territory, February 3, 1906.

Jimsey Fish,

Melette, Indian Territory.

Dear Sir:

You are hereby advised that on January 23, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Cinda Fish, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

RESIDENCE: _____

POST-OFFICE: Proctor, Ind. Ter.

Nation. _____

Roll. _____

CARD NO. _____

FIELD NO. 3704

DAWES' ROLL No.	NAME.	Relation-ship to Person (last names).	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT.		TRIBAL ENROLLMENT OF PARENTS			
						Year.	No.	Name of Father.	Year.	Name of Mother.	Year.
1	Fish, Jimmy		43	m	Full	1890	Hutchchuppa 118				
2	" Hannah		25	f	"						
3	Dead " Linda		17	"	"						
4	" Peter	Son	16	m	"						
5	" Nicoy	Son	13	f	"						
6	" Willy	Neph	18	m	"						
7	Low, Kizzie	Son	11	f	"						
8											
9											
10	<p><i>Handwritten:</i> No. 2 transferred to Creek Card 2660, as "Honey Fish".</p>										
11											
12	<p><i>Handwritten:</i> " 1 on 1895 Roll No 45.</p>										
13	<p><i>Handwritten:</i> No. 3 & 5 & 6 transferred to Creek Card 3458</p>										
14	<p><i>Handwritten:</i> No. 2 died prior to April 1st 1899. Proof of death attached</p>										
15											
16											
17											
18											

This card has been replaced

in the Card File by a card

bearing a similar Field Number

and corrected in conformity to

the information hereon.

James Low

Son of the person

CITIZENSHIP

ISSUED FOR NAT.

DEC 3 1901

April 26. 1901

CR

EN 926

CR EN 926

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, June 27, 1905.

In the matter of the application for the enrollment of
William B. Burnett, Walter and Gelia Self as citizens of the
Creek Nation.

William B. Self, being duly sworn, testified as follows:

- Q What is your name? A William B. Self.
Q How old are you? A Fortyfour years old.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What is your postoffice address? A Mounds.
Q How long have you lived in the Indian Territory? A I never have
lived here, only just moved.
Q When did you come here? I came yesterday.
Q Where were you before that? A Texas
Q Were you ever in Seymour, Texas? A Yes, sir that is where I came
from.
Q Did you ever live in the Creek Nation? A No, sir, I never did.
Q Not all your life? A No, sir.
Q Do you make application now for your children, Burnett, Walter
and Gelia Self, have they ever lived in the Creek Nation? A Never did.
Q Are they at Mounds now? A Yes, sir.
Q What is the name of their mother? A Annie Self.
Q Is she a citizen of any of the five civilized tribes of the
Indian Territory? A No, sir.
Q She lived with you since they were born? A Yes, sir.
Q Is she living now? A Yes, sir.
Q At Mounds? A Yes, sir.
Q How old is Burnett? A Burnett was born in 1888, is seventeen
years old.
Q Is a boy is it? A Yes, sir.
Q Not married? A Not married.
Q How old is Walter? A Fifteen years old I believe.
Q How old is Gelia? A Ten years old.
Q Have you ever made application for the enrollment of yourself or
any of these children as citizens of the Creek Nation? A No, sir.
Q Has any one for you that you know of? A Yes, sir.
Q Who was that? A Well, John Lieber.
Q When did he make that, do you know? A I don't remember the year,
1897 or 1898, do not remember exactly. Either 1897 or 1898.
Q Do you know in what way he made that application? A No, sir, I
don't know that I do.
Q In what way do you claim a right for yourself and these children
for enrollment in the Creek Nation? A By blood.
Q Do you claim that you are a full blood Creek Indian? A No, sir.
Q How much blood do you claim? A One quarter I believe it is, I
don't really know.
Q What is the name of your father? A John B. Self.
Q Is he enrolled here? A Yes, sir.
Q Is he living? A No, sir, he is dead.
Q When did he die? A Last February the 14th.
Q What is the name of your mother? A Elisabeth Self.
Q Is she enrolled as a citizen of the Creek Nation? A No, sir.
Q She was a white woman? A Yes, sir.

O.C.C. 1846 and 3117--2

Q Did you, or any one for you, ever draw any money from the Creek Nation? A No, sir.

Q You do not claim to be on any of the Creek Rolls then, you or your children? A No, I don't know. I was enrolled on the Indian roll at Okmulgee once.

Q What roll was that? A As citizen.

Q What year? A 1896

Q You don't mean that you were on any of the pay rolls do you?

A No, sir, I didn't get any money.

Q Do you mean by that, that you were admitted by some citizenship commission, is that what you mean? A Yes, sir.

NOTE. The names of William B., Burnett, Walter and Gelia Self are found on old Creek Indian cards 1846 and 3117. These cards were made in the years 1897 and 1898. Notation on said card says William B. Self on Broken Arrow town roll. The records of the Colbert Commission in possession of the Commission, examined and it is found therefrom that William B. Self made application to said Commission September 17, 1896, that he was admitted to citizenship by said Commission on said date.

The tribal rolls of the Creek Nation, in possession of the Commission, examined and the names of none of the applicants herein found thereon.

Q Any right you have to citizenship in the Creek Nation then, or any rights of these children, if any, come by your admission to the Colbert Commission; is that your understanding? A Yes, sir.

Q You have lived in Texas all your life until yesterday? A Yes, sir.

Q These children also? A Yes, sir.

Q Have you moved to the Creek Nation to stay? A Yes, sir.

Q You have in good faith moved to this Nation and intend to make it your home? A Yes, sir.

Q These children all live with you? A Yes, sir.

Q Outside of that attempted application you speak of as being made by Mr. Lieber, you have never made any attempt to be admitted or placed on the Dawes Commission rolls, yourself or these children? A I don't know that I have.

Q You have never made any application in person? A No, sir I never have.

A.D. Harwell, being duly sworn, testified as follows:

Q What is your name? A A.D. Harwell.

Q How old are you? A I am forty-nine years old.

Q What is your postoffice? A Mounds.

Q Are you a citizen of the Creek Nation? A No, sir.

Q Do you know William B. Self here? A Yes, sir.

Q Are you any kin to him? A Brother-in-law. My wife is his sister.

Q Do you know anything about his right to enrollment as a citizen of the Creek Nation, if so you may state it? A Well nothing except he was admitted by the Colbert Commission to citizenship along with his father John B. Self and my wife Mary L. Harwell and others.

Q Were you here in 1896? A No, sir.

Q You only knew that by hearsay then? A From hearsay, yes, sir.

I moved here in 1897

Q Do you know that this man has removed in good faith to the Creek Nation and intends to make this his home? A Yes, sir.

Mary L. Harwell, being duly sworn, testified, as follows:

- Q What is your name? A Mary L. Harwell.
Q How old are you? A Forty-seven.
Q What is your postoffice address? A Mounds.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you gotten your deed to land? A Yes, sir.
Q Do you know William B. Self here? A Yes, sir.
Q What kin is he to you? A My brother.
Q Full brother? A Yes, sir.
Q What do you know about his right to citizenship in the Creek Nation? A Well I knew he has been admitted to citizenship by the Colbert Commission.
Q Was he admitted at the same time as you? A Yes, sir at the same time.
Q And admitted your father John B. Self? A Yes, sir.
Q Do you know as a matter of fact that your brother William B. Self here, has removed in good faith to the Creek Nation and intends to make it his home? A Yes, sir.
Q Have you seen his three children even there at Mounds? A Yes, sir.

William B. Self the applicant recalled.

- Q Your oldest child is Burnett is he? A Yes, sir.
Q He is about seventeen years old? A Yes, sir.
Q He was not included in that judgment of the court? A No, sir.
Q He was living at that time? A Yes, sir.
Q Application was never made for any of these children to the Colbert Commission or to any other citizenship commission? A Only to the Dawes Commission.
Q And the next child is about how old? A Fifteen I believe.
Q He was living too at that time? A Yes, sir.
Q Was your child Celia living at that time? A Yes, sir.

NOTE: Said decision of the Colbert Commission includes none of the children, merely the applicant William B. Self.

- Q Have you moved your household goods up here to the Creek Nation? A Yes, sir.
Q Have you any property in Texas? A Yes, sir.
Q Do you intend to dispose of it? A Well my property is all on the market. I will dispose of it if I can sell it. Agent has it for sale at Seymour.
Q Do you own any property in the Creek Nation? A Not a bit.
Q Have you moved your household goods, stock etc here? A I moved all my household goods.
Q Any rights these children have to enrollment in the Creek Nation, you claim they have through you, is that right? A Yes, sir.
Q And through an attempted application which you claim was made for them. You claim you attempted to make an application for them do you not? A I had Lieber employed and he was going to get the papers out. I left it with him. I don't know whether he got them up or not.

I, Anna Garrigue, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said case on said date.

Anna Garrigue

Subscribed and sworn to before me this 28th, day of June 1905.

Edward J. ...
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 17, 1906.

In the matter of the application for the enrollment of William B., Burnett, Walter and Celia Self as citizens by blood of the Creek Nation.

William B. Self being duly sworn testified as follows:

- Q What is your name? A William B. Self
Q What is your age? A 45
Q What is your post office address? A Mounds, I.T.
Q You are the William B. Self who previously made application for the enrollment of yourself and three children? A Yes, sir
Q Are you residing at Mounds permanently now and consider that your home? A Yes, sir
Q When did you remove to the Creek Nation? A I moved here in June the 24 or 25, I think I was before the Commission the 26th
Q Of this year? A Yes, sir
Q Where did you reside before you removed to the Creek Nation? A I was born and raised in Texas
Q What was your post office down there? A Seymour
Q Are your children Burnett, Walter and Celia in the Indian Territory or in Texas? A In Texas in the country near Seymour
Q Have you moved your household furniture etc to the Indian Ter. A I moved my household goods
Q Is your wife here? A She was here
Q Is she here now? A No, sir, I am farming in Texas and they went back there to save our crop.
Q Do you consider Mounds your permanent home? A Yes, sir
Q Are you intending to bring Walter, Burnett and Celia Self to the Creek Nation? A Yes, just as soon as I can gather my crop and dispose of it. I never lived in this territory until June
Q What are you doing in the Creek Nation are you farming, visiting or what? A I moved here to get my rights in the Creek Nation.
Q You have your household goods at Mounds? A Yes, sir
Q You moved into the Creek Nation in June with your entire family A Yes, sir
Q You and your wife and these three children? A Yes, sir
Q You brought your household goods and came here with the intention of residing in the Creek Nation and are now living in the Creek Nation with your relatives? A Yes, sir
Q How long did your family stay here? A About two months.
Q Your idea in coming here was to stay here? A Yes, sir, my family only went back to take care of our crop, they will return here and we hope to get land to live on here. I am going to stay here when my family come back whether I get land or not, will rent if I cant do anything else.
Q Your intention is now to bring your family here? A Yes, it was my intention when I came and is now to bring them here when the crop is gathered.
Q These children are all minors? A Yes, sir

I, Anna Garrigues, state that the above is a true and correct transcript of my stenographic notes as taken in said case on said date.

Subscribed and sworn to before me this 17 day of October 1906

Anna Garrigues
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William B. Self, and his minor children, Burnett Self, Walter Self and Celia Self, as citizens by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that in the year 1896, the names of William B. Self, and his minor children, Burnett, Walter and Celia Self, were listed on Old Creek Census card, numbers 1846 and 3117, in order to preserve whatever rights they might have to enrollment as citizens by blood of the Creek Nation, which said action is considered as an original application for their enrollment as such. Further proceedings were had June 27, and October 17, 1905.

The evidence in this case and the records in the possession of this office show that William B. Self, the principal applicant herein, was born beyond the limits of Indian Territory and that he resided continuously beyond or outside of the jurisdictional limits of the Creek Nation for a period of twenty-one years and more; that Burnett Self was born about the year 1888; that Walter Self was born about the year 1890; that Celia Self was born about the year 1895 and that neither Burnett Self, Walter Self, Celia Self, or any of them, have ever been admitted to citizenship in the Creek Nation by the Creek Tribal authorities, the Commission to the Five Civilized Tribes, under the act of Congress approved June 10, 1896 (29 Stats. 321), or by the United States Courts in Indian Territory on appeal.

It does not appear that the mother of Burnett Self, Walter Self and Celia Self, is a citizen of the Creek Nation, or that she has ever made application for admission to citizenship therein. The said last named applicants having never been admitted to citizenship in the Creek Nation, as aforesaid, they can have no more right to enrollment than has their father, William B. Self.

In conformity with the approved opinion of the Assistant Attorney General for the department of the Interior, in the matter of the application for the enrollment of James H. Barber, et al, as citizens by blood of the Creek Nation, dated September 21, 1904, (I.T.D. 4812-1904), and of Departmental ruling in the matter of the application for the enrollment of Louisa Funnell, et al, as citizens by blood of the Creek Nation on June 20, 1906, (I.T.D. 5150-1904), 5002-1906, 10698-1906), it is hereby ordered and adjudged that there is no authority of law for the enrollment of William B. Self, Burnett Self, Walter Self and Celia Self, as citizens by blood of the Creek Nation, and the application for their enrollment as such is accordingly denied.

HUGHES & YANKEE, PROPRIETORS.

BIXBY, I.T.,

1905.

8/12

I suppose the above refers to an expected decision in a Citizenship or Contest cause and our Self wishes you to know that his present P.O. Address is at Amherst

Yours Truly
J. W. Mulford

INDEXED

COMMISSIONER TO LAND OFFICES.

38663

1905

RECORDED

Book

Page

AUG 14 1905

Walrond, Z.T.,
Muskogee, I.T.,
Aug. 12, 1905.

Refers to Commissioner letter
from Wm. J. Self giving present
P.O. address and asking that
any notices in his case be
forwarded to him there.

CREEK ENROLLMENT.

926

Or Kn 926

Kuskogee, Indian Territory, January 16, 1906.

William B. Self,

Mounds, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of January 5, 1906, in which you ask what has been done with your application for enrollment as a citizen of the Creek Nation.

In reply you are advised that said case is pending, and you will be allowed ten days from date hereof within which to appear at this Office for the purpose of being examined under oath.

This matter should receive your prompt attention.

Respectfully,

Commissioner,

Muskogee, Indian Territory, January 11, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of William B. Self and his minor children, Burnett, Walter and Celia Self, as citizens by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said William B. Self and his minor children, Burnett, Walter and Celia Self, will be regularly listed for enrollment as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Cr. No. 923.

Muskogee, Indian Territory, February 11, 1907.

William B. Self,
Mounds, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Elizabeth, Walter and Gellie Self, as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
IX-78.

Gr. En. 100.

Muskogee, Indian Territory, February 11, 1907.

M. L. Nett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of William B. Self, et al., as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

11-70.

Cr. En. 62K.

Muskogee, Indian Territory, February 11, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of William B. Self et al., as citizens by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

EN-77.

Through the Commissioner
of Indian Affairs.

Refer in reply to the following:
Land 15070-1907.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of William B. Self and his minor children, Burnette, Walter and Celia Self as citizens by blood of the Creek Nation.

Commissioner Bixby reports that the record in the case shows that in the year 1898 the names of William B. Self and of his children above mentioned were listed on old Creek Census Card, Nos. 1846 and 3117, in order to preserve whatever rights they might have to enrollment as citizens by blood of the Creek Nation, which action is treated by the Commissioner as the original application for their enrollment, and that further proceedings were had June 27 and October 17, 1905.

Mr. Bixby says that the evidence in the case and the records in his possession show that William B. Self, the principal applicant, was born beyond the limits of the Indian Territory, and that he resided continuously beyond the juris-

ditional limits of the Creek Nation for a period of 21 years and more; that Burnett Self was born about the year 1888; that Walter Self was born about the year 1890; that Celia Self was born about the year 1895; and that neither of the applicants has ever been admitted to citizenship in the Creek Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States courts in Indian Territory on appeal.

He finds that it does not appear that the mother of Burnett, Walter and Celia Self, is a citizen of the Creek Nation, or that she has ever made application for admission to citizenship therein, and that the last named applicants having never been admitted to citizenship in the Creek Nation, they would have no more right to enrollment than their father, William B. Self. In conformity with the approved opinion of the Assistant Attorney General for the Department of the Interior in the matter of the enrollment of James M. Barber et al. as citizens by blood of the Creek Nation, dated September 21, 1904 (I.T.D. 4812-1904), and the Departmental ruling of June 20, 1906 in the matter of the application for the enrollment of Louisa Tunnell et al. as citizens by blood of the Creek Nation, the Commissioner, on February 7, 1907, declared the applicants not entitled to enrollment as citizens of the Creek Nation and rejected them.

The holding of the Commissioner in this case is in harmony with the holdings of the Department in the cases above mentioned, and it is therefore recommended that his decision be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Y

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
O.K.

128 I.T.D.

5706, 5707, 5722, 5724-1907.
5814, 5816, 5826, 5830-1907.
5822, 5838, 5840, 5854-1907.
5862, 5864, 5872, 5874-1907.
5882, 5884, 5964-1907.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

Title of Case.	DATE of your Letter of Transmittal.
Easter Walker,	January 11, 1907.
Julia Gornelius, et al.	January 26, 1907.
Paul Bowers,	February 11, 1907.
Monas Vaughan (Freedman),	February 11, 1907.
Charles Clark,	February 9, 1907.
Jehay Carville (Freedman)	February 9, 1907.
Jack and Alice Bell (Freedmen),	February 9, 1907.
Yar-mah-lee, et al. (deceased)	February 9, 1907.
Mary Durl (Freedman)	February 11, 1907.
Annie McAllelland and Mitchell Cox,	February 9, 1907.
Alvin Smith (deceased) (Freedman),	February 9, 1907.
Isaac and Ethel Grayson (Freedmen),	February 9, 1907.
William B. Self et al.	February 11, 1907.
Annie Morgan, (Freedman)	February 9, 1907.
Bennie Griffin (Freedman),	February 11, 1907.
Hose James, (Freedman),	February 9, 1907.
Dan Campbell (Freedman),	January 24, 1907.
Josie Wofford,	February 9, 1907.
Daniel Gray, deceased,	February 11, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

10 inc. and 24 inc.
for Ind. Of.

474
4-37.

Muskogee, Indian Territory, March 11, 1907.

William B. Self,

Mounds, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of yourself and minor children, Burnett, Walter and Gelia Self as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

CR EN 927

CR EN 927

Or Old card 0-2499.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 27, 1905.

In the matter of the application for the enrollment of
Nora Monteshe (or Nora Wilson) as a Creek citizen.

Sarnarkee, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Sarnarkee, the Indian name.
Q Have you an English name? A Sam Jones.
Q How old are you, Sam? A 24, I believe. A little over 24 now.
Q What is your postoffice address? A Bristow.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Full-blood Indian? A Half Creek, half Euchee.
Q That's full-blood? A Yes sir.
Q Can you speak Creek? A No, I cannot speak Creek.
Q You can talk Euchee? A Yes sir.
Q Tell us what you know about this case. A She went off to school, when she was a little bit of a girl--
Q What is her name? A Nora Monteshe, English name Nora Wilson, at Carlisle, just come back the other day--a about a month ago.
Q What made you look it up? A She told me she wanted to come up here. She didn't have any money. They told me to look it up when she came back. I told her I would come here.
Q Never had been enrolled, never took any land? A No sir. Never come up here before.
Q Never been here to make application? A No sir.
Q And nobody for her? A No sir. said
Q How old is this girl, just out of school? A My mother it is over 21 years old now.
Q Do you know the name of her father? A They call his name Mantlook.
Q And the mother, what was her name? A Samie Quannie.
Q The parents are both dead, are they? A Yes sir.
Q Nobody to look after this girl's rights? A No sir.
Q You know how long she has been in Carlisle? A She went off to school five years. She went to school here at Shawnee Mission for three years. When she was a little bit of a girl they sent her to Shawnee school, and she knew how to read, then she went off to Carlisle.
Q Been at Carlisle ever since? A Yes sir. Five years; she got back a month ago.
Q You didn't know her when she was a little girl? A No sir.
Q You were pretty young yourself? A Yes sir.
Q Do you know whether she has ever received an allotment as an Indian in any other tribe? A No sir.
Q You don't know whether she has? A No sir. She never did get any.
Q Have you ever been a town officer? A No sir.

Nora Montesha (er Wilson) 2.

At No. 459, 1895 Tribal Pay Roll of the Creek Nation appears the name Montesha, as No. 5 in the following group:

Motloke,
Shuffany
Tontah
Willie
Montesha

On Creek Indian card 3269 appears the name Montesha, identified underneath with pencil, name Nora Wilson. Her mother on said card appears to be Sequannic (dead), Shawnee and Euchee; father unknown. Postoffice, Carlisle, Pa. Note on said card: "Town officers of Euchee Town say Montesha has received allotment as a Shawnee." W. H. Angell made the note. Another pencil note says: "Write John Wolf, Bristow."

John Wolf, being duly sworn, testified as follows (through Sarnarkee, or Sam Jones, sworn interpreter):

EXAMINATION BY THE COMMISSION:

Q What is your name? A Cooyaka; English name John Wolf.

Q Is he Euchee? A Yes sir.

Q How old are you? A Never did count it.

Witness appears to be at least 50 years old.

Q What is his postoffice address? A Bristow.

Q Do you know a young lady by the name of Nora Montesha? A Yes sir.

Q What is her English name? A Pretty near the same. He don't know Nora Wilson, he can't say it.

Q Ask him if he knows anything about her right to enrollment.

A She went away to school and did not get allotment. She is too poor to come to see us about it. Now she's come back from school.

Q Are you any kin--any relation--to her? A My wife was a half sister of this girl. His woman's a sister; that is all he knows. Woman says she was sister to that girl.

Interpreter thinks it is only half sister.

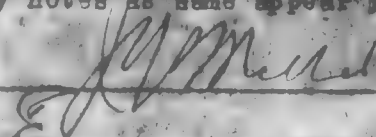
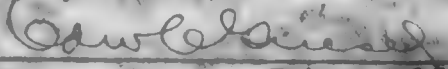
Q What is the postoffice address of this Nora now? A Bristow.

Q Have you ever been Town officer? A No sir.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilised Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me
this the 17 day of June, 1906



Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Bristow, I. T., July 13, 1905.

In the matter of the application for the enrollment of Non-te-she or Nora Wilson as a citizen by blood of the Creek Nation.

NORA WILSON, being duly sworn, testified as follows:

BY COMMISSIONER:

- Q What is your name? A Nora Wilson.
- Q Were you sometimes called Non-te-she? A Yes, sir.
- Q How old are you? A I am twenty-one.
- Q What is the name of your father? A I don't know what was his name.
- Q What is the name of your mother? A Se-quan-ne.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q Was your father a Creek? A No, sir, my father was a Shawnee and my mother was an Euche.
- Q Do you live in the Creek Nation? A No, sir, I live in the Shawnee Nation.
- Q Have you received an allotment in the Shawnee Nation? A No, sir.
- Q Do you intend to return to the Creek Nation to live? A Yes, sir.
- Q Do you intend to take your allotment in the Creek Nation or in the Shawnee Nation? A Why, the Creek Nation.
- Q What is your post office address? A Bristow.
- Q Do you consider your home in the Shawnee Nation or the Creek Nation? A In the Creek Nation.
- Q How long have you been living in the Shawnee Nation? A I don't really know. I have been off to school and I don't know must of this place.
- Q How long have you been back from school? A About four months.
- Q Who have you been living with? A My brother.
- Q Where does he live? A In the Shawnee Nation.
- Q Where did you live before you went away to school? A We used to live here.
- Q Where did you go to school? A Carlisle.
- Q How long were you there? A Six years.
- Q When you came back from school where did you go? A I went to my brother's at Shawnee.
- Q Are you living with him? A I stay there.
- Q Have you any home in the Creek Nation? A I live with these folks. (referring to John Wolf and family)
- Q How long have you been living with John Wolf's family? A About a month.
- Q Do you intend to stay here with these folks or are you going back to your brother in the Shawnee Nation? A I intend to visit him.
- Q If you visit him do you intend to come back here to live? A Yes, sir.
- Q How long have you been back from school? A About four months.
- Q How old were you when you first went away to school? A I don't know. I was a little girl.
- Q Were you as much as eighteen years old? A I was about thirteen.
- Q Where do you get your mail while you are in the Shawnee Nation? A At Shawnee, Oklahoma.
- Q Do you intend to make you home with John Wolf? A Yes, sir.
- Q And you are just going on a visit to your brother in Shawnee? A Yes, sir.

JOHN WOLF, being duly sworn, testified as follows:

Through Jesse Allen Official (Kuche) Interpreter:

BY COMMISSIONER:

Q What is your name? A John Wolf. I am also known as Ka-ka.

Q How old are you? A I do not know.

Witness appears to be about thirty-five years of age.

Q What is your post office address? A Bristow.

Q Do you know this girl, Nora Wilson? A Yes, sir.

Q Does she live with you? A Yes, sir.

Q Is that her home? A She is living there with me--making her home there.

Q You live in the Creek Nation do you? A Yes, sir.

Q Where did this girl live before she went away to school? A After her mother died here some of her relations took her up to Shawnee and then sent her from there to school.

Q Her home now is in the Creek Nation is it? A Yes, sir.

---oooOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 31 day of July, 1905,

J. M. McDunnatt
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. C. L.

In the matter of the application for the enrollment of
Nora Wilson as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on May 23, 1901, the name of Non-te-she, who is identified as Nora Wilson the applicant herein, was listed for enrollment on Creek Indian Card, Field No. 3269.

Further proceedings were had May 27, and July 13, 1905.

The evidence shows that said Nora Wilson was a resident of the Creek Nation at the date of the last proceedings herein and that she has resided in said Nation all her life, except for a period of about eight years during her minority when she attended school outside the Indian Territory.

The evidence further shows that said Nora Wilson is identified on the 1895 pay roll of the Creek Nation.

It is, therefore, ordered and adjudged that said Nora Wilson is entitled to be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and the application for her enrollment as such is accordingly granted.



Commissioner.

Muskogee, Indian Territory,

JAN 12 1906

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,

U. S. Indian Agency,

Shawnee, Okla., June 9, 1906.

Sam John, Esq.,

Bristow, Ind. Ter.

My Friend:

In response to your inquiry through Laura Wilson as to whether or not said Laura Wilson had ever received an allotment of land at this Agency, you are advised that she did not. Her father, Little Osage, was allotted at this Agency, but Laura seems to have been overlooked and so far as I know has never received an allotment anywhere.

Very respectfully,

FRANK A. THACKERY,

Supt. & Spl. Disb. Agent.

By

Thomas W. Alfred

Clerk in Charge.

T./Y.

En. 927

Muskogee, Indian Territory, August 16, 1908.

Norm Wilson,

Wriston, Indian Territory.

Dear Madam:

Receipt is acknowledged of your communication of August 12, 1908, relative to your application for enrollment as a citizen by blood of the Creek Nation.

You also ask that a plat be sent you showing the vacant land in township fifteen (15) north, range nine (9) east.

In reply you are advised that the matter of your application for enrollment as a citizen by blood of the Creek Nation is still pending and that it does not at this time appear that further evidence is necessary in said case.

In accordance with your request there is herewith enclosed a plat showing the vacant land in township fifteen (15) north, range nine (9) east.

Respectfully,

Acting Commissioner.

AS-46

Or En 927

Muskogee, Indian Territory, January 13, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Nora Wilson as a citizen by blood of the Creek Nation.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of said Nora Wilson, and if, at the expiration of said time, no protest has been filed, said Nora Wilson will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

JYN-13-7

REFER TO COPY TO THE FOLLOWING:

Crahn. 927.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 23, 1906.

Hera Wilson,

Bristow, Indian Territory.

Dear Madam:

You are hereby advised that your name is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior June 16, 1906, and that you can now make a selection of land in the Creek Nation for yourself at the Creek Land Office in Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,

Commissioner.

RESIDENCE

POST OFFICE

Bristow

Carlsbad, Penn

Nation.

Roll.

CARD No.

FIELD No.

3269

Dawes' Roll No.	NAME.	Relationship to Person Named.	AGE	SEX.	BLOOD.	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.					
						Year.	District.	No.	Name of Father.	Year.	District.	Name of Mother.	Year.	District.
	<i>Non to the</i> <i>(Mora Wilson)</i>		<i>76</i>	<i>F</i>		<i>1895</i>	<i>Euchee</i>	<i>469</i>	<i>Unknown</i>			<i>Siguan-mie</i>	<i>dead</i>	<i>Shawnee</i> <i>Euchee</i>
3														
4														
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11														
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16														
17														
18														

On 1895 Roll as

Town officers of Euchee Town say No 1 has received an allotment as a Shawnee

Wm. Angell

Sent further to roll

Wm. John Wolf, Bristow,

5/23/1901

CR EN 928

CR EN 928

Gr. I. 1007

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CREEK INDIANS
Tulsa, Indian Territory

the father of the said child is
a citizen

the said father, being duly sworn, testified as follows:
Q What official interpreter?

A Is your name? A Marsey Harjo.

Q How old are you? A Thirty years old.

Q What is your postoffice address? A Trenton.

Harjo is identified as Marsey Harjo whose name appears on Creek Indian card file number 4063. His name is also contained in tribal list of Creek citizens by blood, approved by the Secretary of the Interior, November 14, 1902, roll Number 9318

Q Have you a child named Mitchell Harjo? A Yes, sir.

Q Is Mitchell Harjo living? A Yes, sir.

Q What is the name of his mother? A Kina Harjo

Q Is she living or dead? A Dead

It appears from the records of the Commission that said Kina Harjo is now dead.

The mother of said child is identified as Kina Harjo whose name appears on Creek Indian card file number 4379. Her name also appears on a partial list of Creek citizens by blood, approved by the

Secretary of the Interior January 8, 1904, roll number 9680

It appears from said card that Kina Harjo was formerly listed for enrollment on Creek Indian card number 2967. Card 2967 is examined and it appears that Kina Harjo was listed on said card May 23, 1901. On said card appears a note in pencil: Note, number 3 (Kina Harjo) has a son three or four years old named Mitchell Harjo. This information came into the possession of the Commission prior to September 1, 1904 and is considered as an application for the enrollment of said Mitchell Harjo as a citizen by blood of the Creek Nation.

Q You say Mitchell Harjo is now living? A Yes, sir.

Q How old is he? A He was eight years old last February 5th

Q Were you married to Kina Harjo? A Yes, sir.

Q Who was present when Mitchell Harjo was born? A My mother was present and she is now dead.

Q Did you ever make application before for the enrollment

of said child? A I was a Snake Indian and didn't believe

Q Is he now living with you? Yes, sir.

Q Did he ever have any other name? A No, sir.

Q You remember when the land office opened here in Muskogee? A I don't know for certain but I think it was in 1899

Q Do you remember the circumstance of it? A Yes.

Q Was Mitchell born before that? A Yes.

Q Was he born before the tribal laws were abolished? A I don't know when the tribal laws were abolished, therefore I can't say whether the child was born before or after.

Cr. I. 2967---2

Q Do you know any people who know you have a son born about eight years ago and is now living? A Huley Proctor would know

NOTE. Witness is notified that Commission desires the testimony of at least one other person regarding said child.

I, Anna Garrigues, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 28th day of June, 1906.

Anna Garrigues
Edward M. Meeley

Notary Public.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Trenton, I. T., October 7, 1905.

In the matter of the application for the enrollment of Mitchell Marjo as a citizen by blood of the Creek Nation.

HALLIE PROCTOR, being duly sworn, testified as follows:

Through Alex Posey, Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Hallie Proctor.
Q How old are you? A About thirty-two.
Q What is your post office address? A Trenton.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Weogufke.
Q Do you know Marsey and Kina Harjo? A Yes, sir, Kina is dead.
Q Have they a child named Mitchell Marjo? A Yes, sir.
Q Is Mitchell living? A Yes, sir.
Q How old is he? A He is about eight years old.
Q Do you know when he was born? A No, sir.
Q Was he born before or after the opening of the Creek Land Office?
A He was born before.
Q Do you know why the parents of this child did not make application for his enrollment? A They belong to the Snake Faction and made no effort to have the child enrolled at the time people began making selections of land.
Q Is the child any relation to you? A He is my cousin.
Q Has Mitchell any other name? A No, sir.

---000000000---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 16 day of Oct 1905.

Edw. L. [Signature]
Notary Public.

✓
En. 92

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith testimony taken October 2, 1905
in the matter of the application for the enrollment of Mitchell
Harjo as a citizen by blood of the Creek Nation; together with a
copy of the testimony heretofore taken in said case.

Respectfully,

Ally Ray
Clerk in Charge, Creek and Party.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mitchell Harjo as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that the following memorandum appears on Creek Indian card, Field No. 2967: "No. 3 (Kina Harjo) has a son three or four years old named Mitchell Harjo." Said memorandum was made by the Commission to the Five Civilized Tribes prior to September 1, 1904 and is considered an application for the enrollment of said Mitchell Harjo as a citizen by blood of the Creek Nation. Further proceedings were had June 27, 1905, and October 7, 1905.

The evidence shows that said Mitchell Harjo is the minor child of ~~Marsay Harjo~~ and Kina Harjo and that the names of said ~~Marsay Harjo~~ and said Kina Harjo are contained in the partial lists of citizens by blood of the Creek Nation approved by the Secretary of the Interior November 14, 1902 and January 8, 1904, respectively, opposite roll Nos. 9318 and 9680, respectively.

The evidence further shows that said Mitchell Harjo was born prior to April 1, 1899 and that he was living at the date of the last proceedings herein.

It is, therefore, ordered and adjudged that said Mitchell Harjo is entitled to be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and the application for his enrollment as such is accordingly granted.


Commissioner.

Muskogee, Indian Territory,

JAN 12 1906

Muskogee, Indian Territory, January 13, 1906.

H. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Mitchell Harjo as a citizen by blood of the Creek Nation.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of said Mitchell Harjo, and if, at the expiration of said time, no protest has been filed, said person will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

Gr. En-328

Muskogee, Indian Territory, June 23, 1906.

Morsey Harjo,

Trenton, Indian Territory.

Dear Sir:

You are hereby advised that the name of your child, Mitchell Harjo, is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior, June 16, 1906, and that a selection of land in the Creek Nation may now be made for him at the Creek Land Office at Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,

Commissioner.

CR EN 929

CR EN 929

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE LAND OFFICE
MUSKOGEE, I.T., DECEMBER 17th, 1901.

IN THE MATTER OF THE APPLICATION OF A. B. Davis for an allotment of land in the Creek Nation to the heirs of James Narcome, deceased, accompanied by a proper description of the land applied for, and a certificate showing that said James Narcome, deceased has been listed for enrollment as a citizen of said Nation.
A. B. DAVIS, being duly sworn by Wm. T. Martin, Notary Public testified as follows:

- Q What is your name? A A. B. Davis.
Q What is your Postoffice address? A Arbeka.
Q Are you a citizen of the Muskogee Nation? A No; I am a citizen of the Seminole Nation.
Q Was James Narcome living April 1st, 1899? A Yes, sir.
Q On what date did he die? A February 20th, 1900.
Q Do you claim to be an heir of James Narcome, deceased?
A No.
Q Have you been appointed administratrix of the estate of James Narcome, deceased? A Yes.

Presents letters of administration issued by the United States Court for the Northern District of the Indian Territory, at Wewoka, Indian Territory on the 16th day of May, A. D., 1901, which are hereto attached and made a part hereof.

- Q Was James Narcome a citizen of the Muskogee Nation? A Yes.
Q To what town did he belong? A Little River Tulsa.
Q Did he receive an allotment of land in the Creek Nation prior to his death? A No, sir.
Q Do you know whether or not he ever made application to this Commission for an allotment in the Creek Nation? A He did not.

Upon examination of the records of the Commission it is found that no application for an allotment of land in the Creek Nation has been made by or on behalf of James Narcome, deceased.

- Q Have you heretofore made application to have any land set aside or reserved for allotment to the heirs of James Narcome? A Yes.
Q Is that reservation embraced in this application? A Yes, sir.

The records of the Commission show that on the 23rd day of May, 1901 the west half of the north east quarter, and the east half of the north west quarter of Section 14, Township 7, Range 8, containing 160 acres was ~~also~~ reserved for allotment to the heirs of James Narcome, deceased.

- Q At the time of his death, was James Narcome in possession of any land containing improvements which belonged to him? A Yes.
Q Is that land embraced in this application? A No, sir, his wife has filed on it and lives on it.
Q You make application to have the west half of the north east quarter and the east half of the north west quarter of Section 14, Township 7, Range 8, containing 160 acres allotted to the heirs of James Narcome, is that correct? A Yes.
Q Do you know where this land is? A Yes, sir.
Q Have you been over and examined it with a view to making this application? A Yes, sir.
Q Is it prairie or timber land? A Both.
Q Are there any improvements on this tract of land? A No, sir.

A. B. DAVIS, FOR JAMES WARGOME, DECEASED.

-----2-----

Q Does any one else claim this land or any part of it? A No.

Q Have you made this selection in good faith in all respects?

A Yes, sir.

Q Are there any churches, school-houses, court-houses or burial grounds on this land? A No.

A. B. Davis

Subscribed and sworn to before me this the 17th day of December, A. D., 1901, at Muskegee, Indian Territory.

William I Martin

NOTARY PUBLIC.

C.

A F F I D A V I T.

I, Abler Harjo, Seminole Roll No. 1311, after being first duly sworn according to law, deposes and says: That I was well acquainted with James Harcome, who was sometimes called Niece Chupoo, from my boyhood days; that in 1895 I married Wisay, daughter of James Harcome, who at that time did not live with her father but lived west of Holdenville in the Seminole Nation; that for some years prior to 1898 I lived about ten miles west of Arbeka postoffice; that in January 1898, to the best of my recollection, I visited the home of James Harcome near Schoolton, postoffice, which was the first time I was ever at his home, although I had known him a number of years; that at the time of this visit he was living; that some time in the year 1900, in the month of June to the best of my recollection, I moved from west of Arbeka to the Schoolton neighborhood; that between the time of my visit to his home in 1898 and the time I moved to Schoolton neighborhood in 1900 he died; that he is buried on the allotment of his wife, Eliza, near Schoolton; that the funeral was attended by myself and wife, Wisay, and John and James Yarbrough, who now live near Schoolton, Oklahoma, and others, all of whom I do not remember; that James Harcome's wife was named Eliza; that she died to the best of my recollection in 1907; that he and Eliza had one child, a boy named Johnny, whom I knew; that I have heard that Jennie Tiger who lives south of Wewoka in the Seminole Nation is their daughter, and there may be others but I was acquainted with none but Johnny; that Wisay, my wife was a daughter of James Harcome by a former wife.

Abler Harjo

State of Oklahoma,
County of Hughes,

Subscribed and sworn to before me this 27th day of September, 1913.

By Com. Notary

April 6-1916

J. H. Alexander
Notary Public

En. 929.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Okemah, I. T., November 15, 1905.

In the matter of the enrollment of James Narcone, deceased, as a citizen by blood of the Creek Nation.

TUPPER DUNN, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Tupper Dunn.
Q How old are you? A Thirty-one.
Q What is your post office address? A Okemah, I. T.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arbeka North Fork.
Q Were you acquainted with James Narcone? A Yes, sir.
Q Do you know when he died? A Yes, sir. He died February 4, 1898.
Q How do you fix the date of his death? A Because I was attending Court at Bufaula at the time he died. I had a child born to me while I was there. The child was born on February 3, 1898, and James Narcone died on the following day.
Q There is on file in the office of the Commissioner an affidavit executed by you and Eliza Narcone, March 29, 1901, stating that James Narcone died on February 28, 1900? A I certainly made a mistake and wish now to correct it. He died in February but not in 1900.
Q How did you come to make the mistake? A I did not investigate the date of his death closely at the time I executed the affidavit. I knew I was in Bufaula at the time he died and that was in February and when I made the affidavit I thought the year was in 1900. Upon later investigation I find that I was attending Court in Bufaula in February, 1898.
Q Have you a record of the date of the birth of your child? A Yes, sir. I examined the record to-day.
Q What was the child's name? A Moses. The child died when it was about ten days old.
Q You are positive now are you that James Narcone died February 4, 1898? A Yes, sir.
Q Do you remember the circumstance of the opening of the Creek Land Office? A yes, sir.
Q Did James Narcone die before or after the opening of the Creek Land Office? A Before the land office opened.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 4 day of Jan 1906.

[Signature]
Notary public.

En. 929.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Irene, I. T., November 18, 1905.

In the matter of the enrollment of James Narcone, deceased, as a citizen by blood of the Creek Nation.

JAMES YARBOUGH, being duly sworn, testified as follows

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A James Yarbough.
Q How old are you? A I do not know my age, and most people guess at it. I was a small boy at the out-break of the Civil War.
Q What is your post office address? A Irene.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arbeka.
Q Did you know James Narcone? A Yes, sir.
Q Do you know when he died? A I do not remember the month in which he died but he died in the year the Creek Land Office opened. I do not know whether he died just before the land office opened or just after. He died during the smallpox epidemic, and at the time he died there were many people detained in the pest-camp at Charley Coker's place.
Q Did he die of the smallpox? A No, sir, he died of some other disease.
Q Did you visit him during his last illness? A Yes, sir.
Q Were you present when he died? A No, sir, but I saw him after he was dead and was present at his burial.
Q Who conducted the funeral services? A I did. I am a preacher.
Q Do you know whether or not any record was made of his death? A George Cornelius may have a record. He has been in the habit of keeping a record of the deaths of people in this neighborhood for many years.
Q Where does George Cornelius live? A Right near here.
Q Do you know Nocus Fixico? A Yes, sir.
Q Had he lost any members of his family when James Narcone died? A I cannot say, but I know the smallpox was prevalent when he died.
Q Do you know any one who had made selection of land at the time he died? A No, sir.
Q In what time of the year did he die? A I think he died in the early Spring, but the grass was not yet up. There was no green vegetation of any kind.

GEORGE CORNELIUS, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A George Cornelius.
Q How old are you? A About forty.
Q What is your post office address? A Irene.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arbeka.
Q Did you know James Narcone? A Yes, sir, I was well acquainted with him.
Q Do you know when he died? A He died in either January or February during the smallpox epidemic.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did he die before or after the opening of the land office? A He died before. He died in the winter before people began filing.
Q Did you make a record of his death? A I did not make a record of his death though I have been keeping a record of the deaths of

En. 929.---2.

my neighbors since he died.

Q Were you present when he died? A Yes, sir, and I assisted at his burial.

Q Are you positive that he died before the opening of the Creek Land Office? A Yes, sir. No one had filed upon his land at the time he died.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 4 day of Jun 1906.

Alva P. [Signature]
Notary public.

Creek E n. 929.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory. March 22, 1906.

In the matter of the enrollment of James Narcome, deceased, as a citizen by blood of the Creek Nation.

ALICE B. DAVIS being duly sworn on oath testified as follows:

- Q What is your name? A Alice B. Davis.
Q What is your age? A 51.
Q What is your post-office address? A Weowka.
Q Have you recently moved to Weowka? A My home is at Sasakwa, but I get my mail at Weowka.
Q Were you ever at Arbeka? A Yes, sir.
Q Mrs. Davis you have appeared before the Commission and given testimony a number of times, have you? A I have.
Q You have appeared before the Commission and given testimony in cases in what are called the smallpox case, have you?
A Yes, sir.
Q You understand that nature of an oath? A I do.
Q You understand that when you are under oath you are to tell the truth, the whole truth and nothing but the truth; in a number of these cases your answers have been indirect and evasive? A Yes, sir.
Q And it appears as though you have been trying to get certain people on the roll, who were not in direct knowledge of their right of enrollment? A What right have you to accuse me of these things.
Q In this case here it appears that you signed an affidavit stating that a certain person died on a certain date, this person was James Narcome, can you tell me exactly as to the date of the birth and death of James Narcome? A I don't know that I can.
Q Can you approximate dates? A I don't know that I can.
Q You cannot approximate dates? A No, sir.
Q You have furnished evidence in this case before, which you swore to and in which you gave the exact date of the death of James Narcome? A The exact date did I give?
Q Yes, the exact date, why did you do that? A I don't know that I did give the exact date.
Q In a number of instances in smallpox cases you have given the exact date of his death---? A This man did not die with smallpox---
Q I understand, you may not have said that he did, but in a number of cases in which you have appeared in smallpox cases you would not for certain say the exact date, but you did say that it was before another date, were you always certain of what you testified to in these cases? A I have always tried to be certain to what I was testifying to.
Q Isn't it a fact Mrs. Davis that you know people had to be living on April 1, 1899, in order to be entitled to be enrolled, and you having knowledge of that fact, have gone

- in your neighborhood to certain families and have tried to establish cases of deceased people? I never have.
- Q You never have tried to get them to say that certain people were living on April 1, 1899, have you? A I have not.
- Q Your name is Alice Davis? A Yes, sir.
- Q There was filed with this office in the matter of the application for the enrollment of James Narcome, deceased, an affidavit signed by you and sworn to before Mr. Bixby the Commissioner, do you remember signing an affidavit in this office? A I have signed a good many in the Dawes Commission.
- Q You have signed a good many affidavits? A Yes, sir.
- Q Do you remember whether you signed an affidavit in this case at that time? A I may have.
- Q You may have? A Yes, sir.
- Q Would you recognize your signature? A Yes, sir.
- Q Is that your signature? A Yes, sir.
- (Affidavit is presented)
- Q That is your signature? A Yes, sir.
- Q Do you know whether this James Narcome was living on April 1, 1899? A This may be an evasive answer, but at that time when I signed that affidavit it was fresher in my mind than it is to-day.
- Q It was fresher in your mind then, that it is now? A Yes, sir it has been a good many years ago and my memory is bad.
- Q You don't remember dates? A No, sir.
- Q Do you remember circumstances? A O, yes, I remember circumstances, and can remember dates very well if I have something to impress it on me.
- Q What interest have you in this case? I Have none whatever.
- Q When you were in the land office a few minutes ago, didn't you state that you were interested in finding out whether this man was enrolled, and in case he wasn't you wanted to file on the land? No, sir, only that my son was going to file on the land if the allotment had been cancelled.
- Q Are you interested in real estate? A I am not.
- Q How many people have you assisted in filing on allotments? A I don't know that I have any, I was interpreter for a good many.
- Q Have you been paid for interpreting? A Some, yes, sir.
- Q Have you been paid for signing your name to affidavits? No, sir, I have not.
- Q Do you remember anything that happened in 1899? A In 1899 I was living at Arbeka, and had a place of business---
- Q When did you get into that business? A I have been in business for a number of years.
- Q Did you go out of business in 1899? A No, sir 1901.
- Q You went out of business in 1901? A Yes, sir.
- Q Did you testify in the Mollie Fixico case? I Don't remember that I did.
- Q You don't remember that you did? A No, sir.
- Q Do you remember any of the other members of this family? A Yes, sir, I know the other members.
- Q Do you know as to the date of the birth and death of one member of this family? A I think I remember the families I remember of one dying.
- Q What time? I could not give the exact date of the death.
- Q Do you know what year? A I do not.
- Q Do you remember the year of your birth? A It would be 52 to make me 51.

- Q Do you remember the date of the birth and death of James Narcome? Why I have heard him tell his age in my presence at the Commission when he would be signing his name as witness in some case, I have heard him tell how old he was.
- Q Now I don't want you to be evasive, I want you to state the facts, was this man living April 1, 1899? A He may have been.
- Q What disease did he die of, if you know? A I don't know but from what was told me I suppose it was pneumonia.
- Q Did he die of pneumonia at the time of the smallpox epidemic, that prevailed in the western part of the Creek Nation in the year of 1899 and the last of the year of 1898? A The smallpox was in 1900 and extended the whole year, he died that year.
- Q The smallpox extended through the whole year? A Yes, sir, it commence in January and extended all through that summer.
- Q You have already sworn here in other cases as to the date when that smallpox commence and to the time that it stopped; we have testimony of the doctor of the smallpox camps, and testimony of dozens of others in regard to the time of that smallpox; do you know whether this man died in the winter or in the spring? A It was in the spring, I believe.
- Q You believe it was in the spring? A Yes, sir/
- Q Do you know that it was in the spring? I can't say for certain.
- Q Do you know what time in the spring? I don't remember.
- Q You don't remember now? A No, sir.
- Q Did the smallpox extend until the year 1900? I think it did.
- Q That is entirely contrary to your previous testimony? A 1900-----
- Q Did the smallpox continue until the year of 1900? is the question? A I don't know.
- Q You have in previous testimony in some smallpox cases stated to this Commission as to the exact date within a week or two when the smallpox epidemic commence and when it stopped, we have that testimony on file in this office, you now state that you do not know whether that smallpox epidemic extended until the year of 1900 or not? A I may have some records where I base what I have said previous.
- Q You know the date when these smallpox camps were broken up, did the smallpox continue in a light form through the summer, was that the year of 1899 or 1900? A It was 1899, I believe.
- Q I have asked you these questions for the purpose of ascertaining whether you knew what you had previously stated, whether you knew what you were talking about, and have asked you these questions for that purpose only, but a few minutes ago you stated that the smallpox epidemic extended through the year of 1900, do you now state that you did not mean that the smallpox extended through the year of 1900? A No, sir I did not mean that.
- Q Then you did mean that the smallpox extended through the year of 1899? No answer.
- Q In this affidavit referred to you stated that James Narcome died on the 20 day of February, 1900, is that correct? A It is if I so stated it.
- Q Did James Narcome die in the year that the smallpox camps were broken up, they were broken up in the spring, if you

- remember? A I don't know now.
- Q That seems a little contrary to what you have already stated, do you know whether he died in February of 1899 or in February of 1900, if you make a mistake in the year it would be advisable to so state it now, if there was a mistake; you stated in this affidavit that this person died in 1900? A February 20, 1900, is that what I stated.
- Q Yes, if you are not certain that is right and you think he died in February of the year that the smallpox prevailed I think you had better state is now? A I will not be positive in my answer as to what year, at the time I made that affidavit it was fresher in my mind than it is to-day/
- Q The question is this, did he die a year and more after the smallpox camps were broken up, you ought to remember that? A I don't know.
- Q You do not know whether he died in the hear that the smallpox camps were first established, do you? A No, I do not.
- Q Do you remember whether this affidavit signed by Eliza Narcome and yourself was read to you, or did you read it yourself before you signed it? A It may have been read to me, I don't remember.
- Q Was it your custom to sign affidavits without reading them? Yes, sometimes people that would write them would just read me what I had said.
- Q You would just trust the people or person who did the writing to read you what you had said? A Yes, sir.
- Q Do you know that this man died in February of 1900, do you know if James Narcome died in February? A I do not know but I believe he died-- I believe it was that year unless I have given it otherwise.
- Q Was there anything more to base your information on at the time you made this affidavit than there is now? A At the time I made the affidavit I believe, but I wont be positive, that there was some burial clothes bought from me, but I am not positive, but there was something to call my attention to the fact of his death.
- Q Mrs. Davis it appears that you signed this affidavit after Eliza Narcome told you that James died in February, 1900, you said you remembered that he did, and you said you would sign the affidavit? A It may have been so.
- Q I have not asked the Creek attorney to appear in this case, because I was unable to get him by phone--? A Well I wish you had gotten him to come, as I am not represented in any way.
- Q Well you do know that you do have to be careful about giving exact dates? A Yes, sir I do, and if I have to come before people who are prejudice against me.
- Q Well now do you remember that this man died in February 1899? A I don't.
- Q In February 1900? A I do not, I could not give the date.
- Q Well what made you give it then--- A I said it may have been fresher on my mind at that time?
- Q Could it possibly have been told you, when you put your name on that affidavit? A I would not know now it was this way, people would come to me for burial clothes and I would make a memorandum of it and all done.
- Q This affidavit was made in the office of the Commission, was it in 1901? A Well I would remember a good deal bet-

ter what happened a few days or a few months ago than I would 4 or 50 years ago.

Q Would it not seem as if you should know at this time the year in which this man died, either 1899 or 1900, and where you have given testimony as to the date of his death? A I do not know why I would unless there was something that I was very much interested in, no I don't think I should.

I, Harriett E. Arbuckle on oath state that the above and foregoing is a true and correct transcript of my stenographic notes taken in said cause and on said date.

Harriett E. Arbuckle

Subscribed and sworn to before me this 26 day of March, 1906.

J. M. Dermott
Notary Public,

Cr.En. 929.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JUNE 22, 1906

In the matter of the enrollment of James Narcome, deceased,
as a citizen by blood of the Creek Nation.

Appearances: M.L.Mott, Attorney for Creek Nation.
No appearance on behalf of applicant.

Eliza Narcome, being duly sworn, testified as follows, through
Official Interpreter, Lona Merrick,

- Q What is your name? A Eliza Narcome.
Q What is your age? A About 38.
Q What is your post office address? A Irene.
Q Mrs. Narcome, did you receive a letter from this office a few days ago requesting you to appear here and testify in the matter of the enrollment of James Narcome, and the date set for hearing was July 6, 1906? A Yes sir. I received the letter.
Q Are you a citizen by blood of the Creek Nation? A Yes sir.
Q Have you received your allotment? A Yes sir.
Q Are you married? A No sir, not now.
Q Were you ever married? A Yes sir, I have been married twice.
Q What was the name of your first husband? A James Narcome, he is dead.
Q James Narcome is dead? A Yes sir.
Q What was the name of your second husband? A Chickalew Ward. He is also dead.
Q How many years ago did your first husband, James Narcome die? A I guess about seven years ago. I don't know exactly.
Q Can you give me the date of his death? A Yes sir, April 18, I think I don't know the year.
Q How long were you married to him before he died? A About 10 years.
Q You state that you don't know the year in which he died? A No sir, I don't know the year.
Q Do you remember when the Creek Land Office opened here in Muskogee, when people began filing? A I don't know what year it was but I remember the circumstance.
Q How many years ago was that? A I don't know.
Q Was your husband living at the time of the opening of the Land Office? A Yes sir, he was living but he hadn't filed.
Q On March 26, 1901, you appeared before this office and executed an affidavit to the effect that James Narcome died February 20, 1900. You have just stated that he died in April, and that you don't know the year, why is it that you ~~stated~~ gave the year --- the date of his death in the affidavit as February 20, 1900, did someone tell you that that was the date of his death? A I must have been mistaken, I don't remember making an affidavit.
Q Was that affidavit read to you? At that time? A No sir, it wasn't read to me, this is the first time I have appeared here about his death.
Q Didn't you execute this affidavit? In this office in Muskogee? A I don't remember making an affidavit like that? Nobody asked me about it when I came to the Land Office to file.
Q Do you remember making any other affidavit? A No sir. When I came to file they asked me when James Narcome had died.

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Q Do you remember of going before a Notary Public by the name of H.G. Mallet, and signing an affidavit together with one Tupper Gunn? A He came with me to Muskogee when I came to file.

Q Do you or do you not remember signing an affidavit before H.G. Mallet, a notary Public, in the year 1901 in the matter of the death of James Narcoome, do you or do you not remember?

A I do not remember.

Q You are not well acquainted with dates, are you? A No sir. I can't read nor write.

Q Do you know whether your husband James Narcoome died eight years ago or seven years ago or nine years ago? Can't you state accurately as to what year he died? A I guess he died about seven years ago, I can't remember dates, and I don't know what year he died in.

Q Was it early in the spring when he died? A He died early in the spring during the small-pox epidemic.

Q Was that the small-pox epidemic that raged through the western part of the Creek Nation, during the latter part of the year 1898 and the first part of the year 1899 when so many people died from Small-pox? A Yes sir.

Q Was your husband taken to one of the small-pox tents before he died? A He didn't die with the small-pox, he died during that time.

Q It was during that great small-pox epidemic that he died? A Yes sir.

Q Where was he living at the time of his death? A He was living about a half a mile from Irene.

Q Do you know the names of any other persons who died about the time your husband died or in the same week persons who died from small-pox? A Necus Fixicoe lost nine children during the epidemic.

Q Did they die just about the same time that James Narcoome died? A Yes sir, they died with the small-pox about the same time James died.

Q Which died first? A James died first, a man by the name of Joe Bla buried my husband and then went over and buried Necus' children.

Q So the only way you arrive at the time when your husband died is from the fact that certain other people died at the same time among the family of Necus Fixicoe? A Yes sir? Lena Williams also died the same week my husband died.

Q Did Lena die with the small-pox? A Yes sir.

Q Did your husband die in the early spring before they commenced planting? A Yes sir, in the early spring, before they planted.

Mr. Mott: Attorney for Creek Nation: The date of the death of Necus Fixicoe's children having been fixed by the Department in determining the application in these cases, as having occurred before April 1, 1899, I do not care to ask this witness any question.

Lena Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lena Merrick

Subscribed and sworn to before me
this 22nd day of June, 1906.

H. H. Hains

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JULY 6, 1906.

In the matter of the application for the enrollment of
~~James Norcome, deceased~~, as a citizen of the Creek Nation.
Appearances: L. M. Nott, attorney for Creek Nation.

Alice B. Davis, being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: Your name is Alice B. Davis? A: Yes sir.
Q: How old are you? A: 53 years.
Q: What is your post-office address? A: Musahaka.
Q: You are the same Mrs. Davis who appeared here on March 22 and testified in the matter of the enrollment of James Norcome, are you? A: Yes sir.
Q: At that time you gave your post-office address as Wewoka, and you formerly lived at Arbeka? A: Yes sir.
Q: When you appeared here on March 22, 1906 and testified in this matter, you stated that your memory at the time when you signed the affidavit as to the date of death of James Norcome would be better on the date on which you testified? A: Yes sir.
Q: You also stated in your testimony on March 22, that you probably had some record and that you would look for it upon your return home, showing the date of death of James Norcome, did you endeavor to find that record? A: No sir, I did not.
Q: You didn't try to find it? A: No sir.
Q: Do you think you have that record? A: I don't know whether I have or not.
Q: Mrs. Davis it appears from the testimony of different people in this case that the date of death of James Norcome has not been exactly fixed, one or two witnesses state that he died before the Land office opened, and the wife of James Norcome, testifies that ~~that~~ he died during the small-pox epidemic, she also testifies that he died before the death of the children of Nocus Fixico and states that ~~that~~ one Joe Ela came to her house and buried her husband and then went over afterwards and buried the Nocus Fixico children, do you know anything about that?
A: No sir, I don't know who Joe Ela is.
Q: Would you judge that the memory of the wife of James Norcome would be better as to the events occurring at the time of the death than your memory? A: Her being there and seeing him die, of course might be a better date than mine could be.
Q: The date of death as shown in the affidavit signed by him is the 20 day of February, 1900, could it have been possible taking into consideration the testimony given by the wife of James Norcome and the testimony of others, that you made a mistake in giving that date, the 20th. of February 1900?
A: I wouldn't like to say I have made a mistake because I think I would have known better than that about it.
Q: You have made affidavits and testified in other cases before the Commissioner have you not?
A: I think I have but I don't know in which ones.
Q: Do you always have a record to refer to when you give the date of events concerning different people?
A: No sir, in some cases I do.
Q: Do you now state that you had a record when you put down the date of death of James Norcome?

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- A: I said this I believe, I had a store and often sold burial clothes and I might have the date when I sold something to them and could refer to it and that I would look and see if I had, of course if I had it charged on my books I would see what it was. I would not have a record of his death only in that way.
- Q: You don't know whether you had a record of his death or not?
- A: No sir.
- Q: After you gave your testimony on March 22, you were requested by the Commissioner to look at your records, and see about the date of his death? A: Yes sir.
- Q: You have not done that have you? A: No sir.

Questions by L. Mott, counsel for Creek Nation.

- Q: You are not as clear on the date of death of this applicant as you were in the cases where you testified and fixed the date of death of the Fixico children are you?
- A: As to the time of the small-pox but not as to the date of their death.
- Q: You are more positive in those dates you fixed by the small-pox epidemic than you are in these days?
- A: Yes sir, we were quarantined at the sametime, that is the only way.
- Q: In how many cases have you testified before the Commissioner?
- A: I don't know.
- Q: Have you any idea of the cases in which you have testified in which you have become a party either by testifying or by the filing of an affidavit? A: I don't know.
- Q: You have no recollection of any? A: No sir.
- Q: It has been claimed that you were interested in some of these cases? A: I believe they have claimed something of the kind, if I had all that I have spent for people that came to file I would be a great deal better off today.
- Q: You had a great deal of business dealings with Fixico haven't you? A: Yes sir.
- Q: Fixico has charged you with getting about \$2500 of his money, without any service hasn't he? A: I believe she has charged me with that. If it is necessary I can give an itemized statement of what was in that \$2500.
- Q: Was there any understanding between you and Nevis Fixico as to any remuneration you should receive for any service performed in connection with the enrollment of these children? A: Nothing was said about it.
- Q: That has been charged by them, hasn't it? A: I don't know.
- Q: You were very active in the effort to enroll those children of Fixico's were you not? A: Only as I would work for anybody.
- Q: You can't now state you are positive about the date of death of any of these parties? A: No sir, I don't think I ever was positive.
- Q: You can't testify here in such a way as would justify the Commission in saying that these parties either died or did not die prior to a certain date, can you?
- A: I don't know that I can.
- Q: Your testimony then is of such a character and uncertain by reason of your memory that the department would not be justified in fixing positively the dates of any of these parties? A: So far as any evidence I might have given 4 or 5 years ago, I wouldn't remember today as I did then.
- Q: Mrs. Davis hasn't there been complaints made by the national authorities with reference to transactions of yours in disposition of different matters where a good many people claim you didn't account for funds?

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- A: I didn't have any funds that I couldn't account for.
- Q: Didn't you hear anything about that? A: I didn't hear anything about that, no.
- Q: You claim you didn't receive any compensation, you did receive compensation in certain claims didn't you?
- A: Some of them paid me, but I was speaking of those people that owed me.
- Q: Didn't the commission make some objection to you appearing in these matters at Okmulgee? A: No sir.
- Q: You say you are now interested in the present allotment under investigation here to the extent you want to file your son on this allotment if this applicant is denied? A: That is what I said I was here for, having understood that it had been cancelled I was here to file my grand-son and I understood that this had been cancelled and I asked the question in the other office and it was right after that I came in here.
- Q: You had prior to that time been a witness looking to the enrollment of this party, favorably? A: Yes I suppose I had, as to the affidavit that had been given.

Questions by Commissioner:

- Q: Did James Norcome ever owe you any amount of money?
- A: No, small amounts at different times.
- Q: How much at the different times? A: Well as high as \$30.
- Q: Did his family ever owe you any monies at different times?
- A: Yes sir.
- Q: How much? A: They have owed me at different times as much as \$40 or \$50.
- Q: \$40 or Fifty dollars or more than that? A: Yes sir.
- Q: Have they owed you as much as a hundred or two hundred dollars? A: Yes, I think they have.
- Q: Mrs. Davis, I think it is a fair question, did you have any conversation with any of the members of the family of James Norcome in regard to their compensating you if you testified in this case? A: No sir.
- Q: Did you have any conversation with them or agreement with them in regard to them settling the account due, if you would testify in this case? A: No sir.
- Q: Was there anything implied by you signing this affidavit?
- A: No sir.
- Q: Have they paid that bill they owe you? A: A portion of it.
- Q: Haven't they paid it all? A: No sir.
- Q: I mean the old account, I don't mean anything since he was finally enrolled, I mean the old account.
- A: No sir, they have'nt not paid me all.
- Q: Are you now prepared to state whether you have a record stating the date of his death or are you not?
- A: I have some of the old books at Arbeka somewhere but when moving I didn't move the books that ~~was~~ belong to the store and I don't know whether I can find any record or not, I know I would not have the record of his death but I might have something that would give an idea as to what time he died.
- Q: You have been asked to produce that record.

Questions by L. M. Mott, counsel for Creek Nation.

- Q: Why have you not produced it upon your statement that you might have it? A: You asked me the question and I didn't know you asked me to produce the record, you asked me if there was anything that I could fix my memory by but I didn't know you asked me to send me anything or that I should bring it to you, I know the question was asked.

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Q: Didn't they adjourn the hearing for the express purpose of you offering that? A: I don't know.

Questions by Commissioner:

Q: You state you are not certain whether you have a record of it? A: I don't know.

Q: Mrs. Davis if you have any record that would assist in giving the exact date of the death of James Norcome, in what sort of book would it be? A: It would be in my day book or ~~my day book~~ ledger, either one.

Q: Who kept these books? A: First one and then another, I kept it myself sometimes.

Q: Was the writing done in ink or pencil? A: Sometimes in ink and sometimes in pencil.

Q: The day-book would it show the transactions consecutively on certain dates? A: Yes sir.

Q: In the ledger would it show each different account consecutively? A: I think so.

(You are requested to look over your records and see if there is anything to show any transaction that refers to James Norcome in the year 1898 or the year 1899 and the case will be left open for the introduction of that evidence 10 days. If you do not find any record of any transaction that might have occurred after April 1, 1899, you can so advise this office by letter, if there are any transactions that show otherwise you are requested to produce the records so we may examine it here in the office.)

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Subscribed and sworn to before me this 25 day of July, 1906.

Julia C. Laval

W. H. Harris
Notary Public.

8813
Muskogee, Indian Territory, August 26, 1904.

E. B. Miller,
Chief Clerk,
Creek Land Office.

Dear Sir:

You are directed to suspend action in the matter of making allotments of land in the Creek Nation to the heirs of James Harcome, deceased, whose name appears on the approved Creek Indian Roll, No. 6625, until further advised.

Respectfully,

Chairman.

JWH. LLB. EP.

I.T.D. 7268-1904.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, September 17, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 25, 1904, you transmitted a petition filed by the attorney for the Creek Nation praying for a rehearing in the matter of the enrollment of James Narcome as a citizen by blood of the Creek Nation. You recommend that the petition be granted.

Reporting in the matter September 7, 1904, the Commissioner of Indian Affairs concurred in your recommendation, with the understanding that if deeds in favor of the heirs of the deceased citizen have been approved and delivered that no further action will be taken in the matter by you until you shall have made further report. As land is not the only property of the Creek Nation to be distributed among its citizens, the rolls, if erroneous, ~~shall~~ should be corrected, even if deeds have been delivered through mistake. Accordingly the Department concurs in your recommendation. Said petition is hereby granted. A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

#929
Reply in reply to the following:
Land: 59014-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 7, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes dated August 25, 1904, transmitting a communication from the attorney for the Creek Nation dated August 9, 1904 last, and affidavit of Wilson Knight and Barney Yahola, relative to the date of death of James Narcome, whose name appears upon the approved partial rolls of the Creek Nation opposite no. 6625.

Wilson Knight and Barney Yahola say that they personally know that James Narcome died prior to April 1, 1899. From Mr. Mott's communication it appears that "deed No., 20320-20320A", have been issued. His communication or the commission's report does not show whether said deeds have been approved and delivered to the heirs of the deceased citizen. In order that the Creek Nation may have opportunity to introduce testimony concerning the death of said Narcome it is recommended that authority for the re-opening of the case be granted, with the understanding that if deeds in favor of the heirs of said deceased citizen have been approved and delivered, action will not be taken by the Commission concerning the case until they shall have made further report to the Department, and have received additional instructions.

Very respectfully,

GAW-D.

W.A. Jones, Commission.

Muskogee, Indian Territory, November 13, 1905.

Alex Percy,

Okemah, Indian Territory.

Dear Sir:

You are directed to take testimony for the purpose of ascertaining the exact date of the death of James Karcome (deceased), whose name is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1901, opposite No. 6626.

On August 25, 1904, the right to enrollment of said James Karcome was reopened by the Secretary of the Interior on motion of the attorney for the Creek Nation. Said motion was accompanied by affidavits executed by Wilson Knight and Barney Yahola to the effect that said James Karcome died prior to April 1, 1899. There are on file in this office affidavits executed March 26, 1901, by Eliza Karcome and Alice B. Davis to the effect that said James Karcome died on February 20, 1900, and affidavits executed March 29, 1901, by the said Eliza Karcome and by Turner Dunn to the effect that said James Karcome died February 26, 1900. The postoffice address of said Eliza Karcome, Alice B. Davis and

A. P., 2.

Tupper Dunn is Arbeka, Indian Territory.

Respectfully,

Commissioner.

Muskogee, Indian Territory, October 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

August 25, 1904, the Commission to the Five Civilized Tribes transmitted to the Department a communication from the attorney for the Creek Nation, in the nature of a motion to reopen the matter of the right to enrollment of James Harcome, deceased, whose name appears on the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite No. 6625. Said motion was accompanied by an affidavit executed by Wilson Knight and Barney Yahola to the effect that said James Harcome died prior to April 1, 1890.

It appears from the records of this office that at the time said motion and said affidavit were transmitted there was on file with the Commission to the Five Civilized

Secretary 2.

Tribes, proof of death of said James Narcome, deceased, executed by his mother and two acquaintances to the effect that said James Narcome died subsequent to April 1, 1899.

September 17, 1904 (I.T.D. 7268-1904), the Department reopened said case and authorized the Commission to investigate whether the enrollment of said James Narcome, deceased, was proper.

In compliance with verbal requests of the attorney for the Creek Nation, action in this case was suspended from time to time until July 11, 1905, on which date the parties in interest were notified that the case was set for hearing August 5, 1905, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory. No appearances were made on said date.

July 24, 1905, this office received a communication from the attorney for the Creek Nation withdrawing all motions to reopen Creek enrollment cases filed by him prior to the meeting of the Creek council in October, 1904.

October 2, 1905, a report was transmitted to the Department in the matter of the right to enrollment of Aaron McGirt, deceased, and it was recommended in said matter that

Secretary 3.

in view of the facts in the case and of the action of the attorney for the Creek Nation in withdrawing his motion to reopen same, that the enrollment of said Aaron McGirt, deceased, be allowed to stand.

The Department under date of November 3, 1905 (I.T.D. 14260-1905), directed that an investigation be had as to the right to enrollment of said Aaron McGirt, deceased, stating that "it is not necessary for the Creek Nation to supply funds to investigate this matter. You are authorized to see that correct rolls of Creek citizens be made, and have been furnished with the means necessary for that purpose".

In accordance with instructions as above set out, a hearing as to the right to enrollment of James Harceno, deceased, was had at Okemah, Indian Territory, November 15, 1905, and at Irene, Indian Territory, November 18, 1905. Neither the applicant nor the Creek Nation were represented by attorney at said hearings.

The parties in interest were notified that a hearing would be had in this matter on February 19, 1906 but no appearances were made on the date set. Testimony was taken in the case on March 22, 1906. The parties in

Secretary 4.

interest were notified that a hearing would be had on July 6, 1906, and further proceedings were had on June 22 and July 6, 1906.

A preponderance of the evidence in this case conclusively establishes the date of death of James Narcose as prior to April 1, 1899, the date of opening of the Creek land office, and prior to the death of certain members of the family of Mocus Fixico, who, as shown by report of this office under date of June 14, 1905, died during the smallpox epidemic beginning in the winter of 1898 and ending in the spring of the year 1899 and prior to April 1, 1899.

In view of the facts in the case, I respectfully recommend that authority be granted for the striking of the name of James Narcose from the approved roll of citizens by blood of the Creek Nation, opposite No. 6625.

Deeds Nos. 20321 and 20321-A, prepared to cover allotment of land in Creek Nation to the heirs of James Narcose, were on September 19, 1904, duly recorded in the office of the Commission to the Five Civilized Tribes.

It is further recommended, in view of the provisions of section five of the Act of Congress approved April 26, 1906

Secretary S.

(34 Stats., 137), that steps be taken looking to the cancellation of said deeds, and that this matter be referred to the Attorney General for such action as may be deemed proper in the premises.

A complete copy of the record in the case is herewith inclosed, also deeds Nos. 20321 and 20321-A, above referred to.

Very respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

AG-301.

COPY.

929
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE.

I. T. D. 23950-1906.
D. C. 53532-1906.

December 4, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 25, 1906, you recommended that authority be granted for the striking of the name of James Narcome from the approved roll of citizens by blood of the Creek Nation, opposite No. 6625, and that steps be taken looking to the cancelation of deeds Nos. 20321 and 20321-A, issued to the heirs of James Narcome, under the provisions of section five of the act of April 26, 1906 (34 Stat., 137), it appearing from an investigation made by you that said James Narcome died prior to April 1, 1899, and is not entitled to enrolment as a citizen of the Creek Nation.

Reporting November 26, 1906 (Land 94585), the Indian Office concurs in your recommendations. ~~A copy of its letter is inclosed.~~

The Department also concurring, authority is granted for the cancelation of the name of James Narcome from the approved roll of citizens by blood of the Creek Nation, and the Attorney-General has been requested to take steps to have said deeds canceled.

respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

~~Inclosure.~~

No. 929.

Muskogee, Indian Territory, December 14, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You were hereby advised that under Departmental instructions of December 4, 1906 (I.T.D. 23980-1906) the name of James Narcome has been stricken from the approved roll of citizens by blood of the Creek Nation, opposite roll No. 6625.

Respectfully,

Commissioner.

En. 929.

Muskogee, Indian Territory, December 14, 1906.

Chief Clerk,

Creek Land Office.

Dear Sir:

You are hereby advised that under Departmental instructions of December 4, 1906 (I.T.D. 23980-1906) the name of James Harcome has been stricken from the approved roll of citizens by blood of the Creek Nation, opposite No. 6628.

Respectfully,

Commissioner.

CFB-OM

Muskogee, Oklahoma, November 3, 1911.

Hon. J. George Wright,

Commissioner to the Five Civilized Tribes.

Sir:

On October 12, 1911, I was directed by your office to secure the testimony of John A. Jacobs, Bunny McCosar and Barney White, relative to the death of James Harcome for the use of John B. Meserve, Assistant United States Attorney in connection with the prosecution of a suit which has been instituted to cancel a patent issued to James Harcome, deceased, Creek by blood, roll No. 6425.

On October 28, 1911, at Holdenville, Oklahoma, I secured the testimony of said persons and a transcript thereof, together with carbon copy, is herewith enclosed. The papers transmitted with your letter of October 12, 1911, are also herewith.

Respectfully,

Supervising District Agent.

OM-5-1

In the matter of James Harcome,
full blood Creek, census card
No. 2164.

Barney White being first duly sworn
by U. F. Bliss, Deputy United
States District Clerk, through
official interpreter, D. A. Long,
~~Barney~~ testifies as follows:

Interrogated by U.F. Bliss.

- Q What is your name? A Barney White.
- Q What is your age? A Forty-three years.
- Q What is your post office? Wewoka, Oklahoma.
- Q Are you a full blood Creek? A Yes.
- Q Did you ever know a Creek Indian by the name of James Harcome? A Yes sir.
- Q How old a man was the man you know as James Harcome?
- A I could not say just how old but he was old man.
- Q Was he married? A Yes sir.
- Q What was his wife's name? A Eliza.
- Q Did they have any children? A Yes.
- Q What was the children's names? A John.
- Q Did he have a son named Sunday? A Had another boy but I did not know his name.
- Q Where did he live when you knew him? A It has been a long time since I knew him and he had no wife then.
- Q Where was he living when he died? A Close to Arbuka.
- Q Do you remember when his death occurred? A I do not remember just exactly but it was at the time we were all taking ~~that~~ allotments.
- Q How near did you live to him? A About as far as from here to the depot. (Eighty rods)
- Q Did you attend his funeral? A Yes sir.
- Q Was there anything that happened about the time of his death that you re-call? A Yes I think so.
- Q What was it? A Away back then there was some small pox and after the small pox was over the old man died.
- Q When was it with reference to the small pox epidemic, before or after? A After.
- Q How long after? A About a year.
- Q Were any members of your family born about that time?
- A No sir.
- Q Did you have any relatives who died about the time James Harcome died? A My uncle died somewhere about then.
- Q Which died first your uncle or James Harcome? A My uncle.
- Q When did your uncle die, what month of the year?
- A I don't remember.
- Q Was it in the Spring or Summer? A It was just getting Spring.
- Q What was your uncle's name? A Yarkinha Micoo, Creek Roll No. 7329.
- Q You cannot give the year in which James Harcome died?
- A No sir.
- Q You say your uncle died just before James Harcome died?
- Q Can you tell how long it was between their deaths?
- A It was the same year.

Q Was there any record made of your uncle's death?
A I don't think there was.
Q Who filed for your uncle? A Watlin Goat.

I hereby certify that the above and foregoing is
a true and correct transcript of my notes as taken in
the above case on October 26, 1911.

Stenographer.

State of Oklahoma.
Hughes County.

Subscribed and sworn to before me a Notary public
in and for said County and State this 20th day Oct. 1911.

Notary public.

In the matter of James Harcome,
Full blood Creek, census card
Creek 2164.

John A. Jacobs, first being duly
sworn by C.F. Bliss, Deputy United
States District Clerk, testifies
as follows:

Questioned by C.F. Bliss.

- Q What is your name? A. John A. Jacobs.
Q How old are you? A Forty years old.
Q What is your post office? A Holdenville.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Were you acquainted with James Harcome? A Yes sir.
Q Is he living or dead? A Dead.
Q Was he a full blood? A Yes sir.
Q Was he married? A Yes sir.
Q What was his wife's name? A Eliza.
Q Did they have any children? A Yes sir.
Q Will you give me their names? A Jennie, Wisey, John
and Sunday.
Q Were you well acquainted with the family? Yes sir.
Q How far did you live from James Harcome in his lifetime?
A About twenty-five miles.
Q When was the last time you saw James Harcome? A In
the latter part of September 1899.
Q Where did you see him? A At his home.
Q How did you happen to be at his home at that time?
A I was out hunting.
Q Do you know when he died? A Not the exact date.
Q Can you approximate the date of his death? A He died
after the holidays, I think in 1900.
Q Were you present at his funeral? A No sir.
Q Never saw him after your hunting trip up there? A No sir.
Q At the time of his death what members of his family
were living? A His wife, and Jennie and Wisey, daughters.
Q Were both of his sons dead at the time of his death?
A Yes sir.
Q When did they die with reference to his death? A I think
Jennie died in 1897 and Sunday died about a month after
I was there at their home.
Q Did you visit this family often? A Not exactly visit,
went by there going to Paden.
Q Are you related to James Harcome? A No sir.
Q Do you know what disposition, if any, has been made of
his allotment? A I bought his allotment from his wife
and daughters.
Q When did you buy it? A Last year it was approved.
Q Do you remember what consideration was paid? A \$960.00
Q Are you in possession of the allotment now? A Yes sir.
Q You still own it? A Yes sir.
Q Where was your deed approved? A Nowata.
Q Was evidence taken at that time to establish the heir-
ship? A Yes sir.
Q How do you fix the date of your hunting trip as being
in the fall of 1899? A The way I fix the date of the

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hunting trip is we camped in about a quarter of James Harcome's house and I went down here to Sarah Karnosky's and got a boy to go with us and she, Sarah Karnosky, died about a week after I came back and James Harcome died after the holidays. There is a record of Sarah Karnosky's death as being 1899.

Q Where did you say that record was kept? A I think the Dawes Commission and I think Karnosky had a record also.

Q Did you camp near the home of James Harcome on that trip? A Yes sir, about a quarter from house.

Q Did you see him? A Visited him pretty near every night.

Q How long have you known him? A All my life.

Q Mr. Jacobs you spoke of seeing James Harcome on your hunting trip in the fall of 1899, now was it customary for you to make these hunting trips? A Yes it was customary that I made these hunting trips. I either went up there or down in Creek.

Q Where did you go in the fall 1900? A Bunnie Tiger and I went to Coal Creek.

Q And the year before 1899? A I believe Judge Thompson, A. J. Brown, Doc Lynn and I went in about six miles from James Harcome's at head of Gar fish creek.

Q Who was with you in the year 1899? A Willie Karnosky and Willie Sewell.

Q Are they living? A Willie Sewell is.

Q Where does he live? A About six miles west of Hollenville.

Q Did you ever the question raised as to the date of the death of James Harcome? A Yes sir.

Q What have you heard as to that? A The party that made affidavit as to his death, Ruppel Mann, made affidavit that he died in 1900 but he repudiated that statement by saying that he was mistaken. He claimed that he went to Muskogee to Court and about the time he came back he died but there was no court at Muskogee at that time.

Q Did you ever hear of any other person who made a statement as to the death of James Harcome? A Yes sir I did. Wilson Knight went to the Dawes Commission and made a complaint against several filings. Some of the parties who died at the small pox camp were smuggled in and filed and it was charged that James Harcome was so filed.

Q James Harcome did not die with small pox? A No sir he died with pneumonia. Bunnie McCosar, his nephew, went up to see him and staid with him about two weeks and came back and shortly after he came back he died.

I hereby state that the above and foregoing is a true and correct transcript of my notes taken in this case on October 27, 1911.

Stenographer.

State of Oklahoma,
County of Hughes.

Subscribed and sworn to before me a Notary Public in and for said county and state this 27th day Oct. 1911

In the matter of James Harcome,
full blood Creek, census card
Creek 2164.

Bunnie McCosar first being duly sworn
by C. F. Bliss, Deputy United States
District Clerk, testifies as follows:

- Q What is your name? A Bunnie McCosar.
Q Your age? A About forty-five years.
Q Post office? Holdenville, Okla.
Q Were you acquainted with James Harcome? A Yes.
Q Were you related to him in any way? A He's my uncle.
Q Was he your father's brother or mother's brother?
A Mother's brother.
Q At the time of his death did he leave any family?
A Left a wife and two daughters.
Q What was his wife's name? A Eliza Harcome.
Q What were the names of his daughters. A Jennie and Wisey.
Q Are they living now? A Yes.
Q Do you remember the date of the death of James Harcome?
A Must have been 1900.
Q How far from him were you living when he died? A about
thirty miles.
Q Did you attend his funeral? A No sir.
Q How long was it between the last time you saw him and
his death? A. Last time about three months.
Q What caused his death? A I could't tell, long time ago,
he was old.
Q How long after his death until you saw his wife or the
girls? A I don't remember.
Q How do you fix the date of his death? A I got a daughter
who died in 1899 and he died after she died.
Q What makes you think your daughter died before James
Harcome died? A I got a record, date of daughter's death
and I know he died after she died.
Q Is there any other by which you fix the date of his death?
A No.
Q Do you know whether or not any record was made of the
date of his death? A No sir.
Q Where was he buried? A Up to his old place where he lived.
Q Has he a tomb stone? A No, little log shed.
Q Was any record made of your daughter's death? A No sir
except book.
Q At the time your daughter died you made a record of it?
A Have you ever presented that record to the Dawes Com-
mission? A Yes.
Q What was your daughter's name? A Louise McCosar.
Q How long after her death until James Harcome died?
A I don't know, about three months.
Q Your daughter was enrolled and received an allotment?
A Yes sir.
Q Have you sold that allotment? A Yes sir.
Q Do you know whether or not any land was selected as an
allotment for James Harcome? A Yes.
Q Did you inherit any property from James Harcome? A No

---B---

- Q Have you any interest in any property that might come to him? A No sir.
- Q You remember when they had that epidemic of small pox in the Creek Nation? A I heard of it.
- Q Do you remember whether it was before or after that that James Harcome died? A James Harcome died away after that.
- Q The only way then you fix the date of the death of James Harcome is by the date of the death of your daughter, Louisa. A Yes.
- Q And you state positively that her death occurred before the death of James Harcome? Yes sir.

I hereby state that the above and foregoing is a true and correct transcript of my notes taken in this case October 27, 1911.

Stenographer.

State of Oklahoma,
County of Hughes.

Subscribed and sworn to before me a Notary Public in and for said county and state, this 27th day of Oct. 1911.

My commission expires Sept. 24, 1913.

Notary Public

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UNITED STATES COURT,
INDIAN TERRITORY.

7

District.

Administrator's Letters

ESTATE OF

James Norcross
Deceased.

Recorded in Administrator's Record

, Page

, Clerk,

By , Deputy.

LETTERS OF ADMINISTRATION.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

Northern District.

The President of the United States of America,

To All Persons to whom these Presents shall Come—Greeting:

Know ye, that whereas,

James Newcom

of the Northern District of the

Indian Territory, died intestate, as it is said, on or about the 19 day of February, A. D. 1900 having at the time of his death personal property in the Indian Territory which may be lost, destroyed, or diminished in value, if speedy care be not taken of the same; to the end, therefore, that the said property may be collected, preserved, and disposed of according to law, we do hereby appoint A. B. Davis of said Northern District of the Indian Territory, administrator of all and singular the goods and chattels, rights and credits which were of the said James Newcom at the time of his death, with full power and authority to dispose of the said property, according to law, and to collect all moneys due the said deceased, and in general to do and perform all other acts and things which are or hereafter may be required of him by law.

Witness, the Honorable

Jos. A. Lill

Judge of the

United States Court in the Northern District of the Indian

Territory, and the seal thereof, at Muskogee

in the Indian Territory, this 16 day

of May, A. D. 1900

Chas. Davidson

Clerk.

By M. F. Mansel

Deputy.

Application No. _____

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CREEK NATION.

To the Clerk of the Land Office at Muskogee:

This is to certify that the name of James Narcome Age 67
and the names of the following persons, whom he represents, to wit:

NAMES.	Relationship to Person First Named.	AGE.
Represented by A. B. Davis Administrator		2625

Dec. 17th 1901

James Narcome died Feb. 20th 1900
Proof of death on file
W.S.A.

It appears on Creek Census Card of the Creek Nation, Field No. 2164
of record in the office of the Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, May 73, A. D. 1901
JJB

[Signature]
Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE LAND OFFICE.

Alotments of land and homestead designations, as hereinafter described, are hereby made to the following named persons, in accordance with the Resolution of the Commission adopted May 24th, 1902, viz:

ROLL No.	CERTIFI- GATE No.	NAME.	SUBDIVISION OF	SEC.	TOWN.	RANGE.	ACRES	100THS	HOMESTEAD.	SEC.	TOWN.	RANGE.	ACRES	100THS
6625	D 195	Heirs of James Narcome							NNW of NE of	14	7	8	40	

Dated at Muskogee, Indian Territory, this 20 day
of Jan 1904.


Commissioner in Charge.

Chairman.

CR EN 930

CR EN 930

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 19, 1906.

In the matter of the enrollment of Hagie Davis, deceased, and Sam Davis, deceased, as citizens by blood of the Creek Nation.

On September 22, 1904, the right to enrollment of Hagie and Sam Davis was reopened by the Secretary of the Interior, on motion of the attorney for the Creek Nation accompanied by the affidavits of Lawyer Deere and Thomas Long to the effect that said parties died prior to April 1, 1899.

On February 8, 1906 the parties in interest were notified that a rehearing would be had at this office on February 19, 1906.

APPEARANCES: M. L. Mott, attorney for Creek Nation.

WILLIE HARJO, being duly sworn, testified as follows through Alex Posey official interpreter.

- Q What is your name? A Willie Harjo.
Q What is your age? A Twenty nine.
Q What is your post office address? A Yeager.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what Creek Indian town do you belong? Tutchebacha
Q Did you know Hagie and Sam Davis? A Yes, sir.
Q Is Hagie Davis living? A He is dead.
Q Were you any kin to him? A Brotherinlaw. Hagie was the brother of my wife.
Q Did Sam and Hagie have the same father and mother? A Yes, sir.
Q What was the name of their father? Ispokok Yahola was the father, mother Hepsie.
Q When did Hagie die? A 1899
Q How do you remember that year? A I just remember that he died in April of that year. When he died the grass was coming up and vegetation was green.
Q How many years ago was it he died? A About seven years ago.
Q Do you know what month this is now? A February--wind month.
Q What will next month be? A March--little spring month.
Q And the next? A April--big spring month.
Q Do you know when the Creek Land office opened, when people first began to file? A Yes, sir, I remember the circumstance well because I came and filed on my land/ The Commission had its office in a little house hereabouts.
Q You didn't come in and file the first day the land office opened did you? A People had been filing for some time when I came.
Q Do you know about that first day that people filed? A I don't the day it opened.
Q Did you hear about it the first day people came in to file?
A I heard people talking about it.
Q Can you name any person who came in on that day either actually filed or tried to file on that day? A No, sir.
Q None of your neighbors filed that day? A None of my neighbors came in when they first began to file.
Q From your recollection of having heard about that filing, when was it? A I have forgotten the month.
Q Did Hagie Davis die before or after that first day of the filing?
A He died after I filed.

Q You must be mistaken about that, you must be mixing filing with enrolling because the records show that you didn't file till 1900? Witness nods his head.

Q What is the name of your father? A Megillus Harjo, Lesky Harjo my mother.

Megillus Harjo appears opposite No. 5276 and the records show that citizenship certificate was issued to him February 16, 1900.

Q You made out an affidavit and gave a certain year and we want to know how you fix that, you stated he died in 1899 and now you state he died after you filed and our records show you didn't file till 1900, how do you explain that? A I must be confused about the dates.

Q What time of the year did Hagie die? A He died in April.

Q How can you say he died in April when you told us two or three different years, why do you fix on that month? A Because he died in that month.

Q Did he die in that year too, '99? A Yes, sir.

Q Did he also die after you filed? A I don't know.

Q When was your child Hagie born? A The child was born about the time the Commission was over at Wetunka enrolling citizens.

Q Had Hagie Davis died at that time? A Living.

Q How long after your child Hagie was born before Hagie Davis died?

A I don't remember.

Q When did your child Hagie die? A Died in the summer time.

Q What year? A I have forgotten but the child was about three years old when it died.

Q Don't you know the year in which your child Hagie died? A The summer of 1901.

Q You said a minute ago that you didn't know the year and now you say 1901, which is correct? A By studying over it.

Q How many years ago did your child Hagie die? A About five years ago I think.

Q What month did your child Hagie die in? A I don't remember the month but I think it was in June.

Q How does it come that you can remember the exact month and year in which a distant relative by marriage died and you can't remember the date of your own child which occurred after that time? A When called to my attention I can remember pretty near fix the date of the death of my child.

Q I want you to think over it and I want you to give the date of the death of your child as near as you purport to give that of Hagie Davis? A My child died in 1901 on the 16 day of June.

Q How many years after Hagie Davis did your child Hagie die? A Something like a year and a half I think.

Q Which died first Hagie or Sam Davis? A Sam.

Q How long before Hagie was it that Sam died? A The day after Sam was buried Hagie died.

Q What did they die of? A Sam died with some kind of stomach trouble

Q Wasn't smallpox was it? A No, sir.

Q What did Hagie die of? A Hagie took sick with a very high fever vomiting blood. The doctor who attempted to diagnose the case attributed the disease to something in the water?

Q Wasn't smallpox? A No, sir.

Q Did they both die in the same house? A Yes, sir.

Q Were you present when they died? A Yes, sir.

Q Did they have a doctor? A Spokok Yahola was the doctor in attendance. The father of Sam and Hagie doctored them.

Q When did Spokok Yahola die? A I think he died about a month after Sam and Hagie.

Q Was Spokok Yahola the father of these two people? A Yes, sir.

Q Is that doctor you speak of Spokok Yahola and the father of these children, was he enrolled before he died? A I heard he had received his allotment.

Q Was he ever known by the name of Bennie Harjo? A Yes, sir

- Q Do you know the name of the father of Bonnie Harjo? A Quegus Harjo.
- Q How long did these two Davis children die before their father Spokok Yahola or Bonnie Harjo? A A short time before.
- Q Did they die in the same month? A Something like three weeks.
- Q Do you know the month in which this doctor died? A I don't know; I wasn't there when he died.
- Q Do you know the year in which he died? A '99.
- Q Were you present when your child Hagie died? A I wasn't present I was out looking for a doctor when the child died.
- Q You saw it before it was buried didn't you? A I buried it myself.
- Q There are on file in this case the affidavits of Tilda and Willie Harjo executed September 6, 1901 in which it is stated that said Sam Davis died April 9, 1899; that Hagie Davis died April 10, 1899. There is on file in the land office an affidavit executed by the witness December 27, 1904 in which it is stated that his child Hagie Harjo died June 18, 1900. There is on file in this office the affidavit of Quegus Harjo stating that his son Bonnie Harjo who is identified as Ispekegee Yahola died April 26, 1899. There are on file in this office the affidavits on which the motion for rehearing was had, the affidavits of Lawyer Deere and Thomas Long that Sam Davis and Hagie Davis died prior to April 1, 1899.
- Q Why didn't Tilda Harjo come in here today? A I left her at home. She had no means to come here.
- Q She was notified wasn't she? A Yes, sir.
- Q Was there any coffin or burial material bought for Hagie and Sam Davis? A The grand father of the children bought some material.
- Q Do you know where that material was bought? A At Heldenville, I don't know at whose store.
- Q Where were these two boys buried? A At the home of Spokok Yahola.
- Q Have you ever seen the grave since the funeral day? A Yes, sir.
- Q Have you seen it recently? A Yes, sir.
- Q Is there any record on the head board or anything of that kind? A I don't know whether any record was made or not?
- Q If you have seen it recently wouldn't you have noticed that? A Both graves are covered over with the gravehouse.
- Q Do you know of anybody else that was present at the death of Sam and Hagie Davis except yourself and their father? A Yes, sir.
- Q Who was present? A There were a number of people present but I don't recollect their names.
- Q Were either Lawyer Deere or Thomas Long present? A They werethere.
- Q Lawyer Deer and Thomas Long both say he died before April 1, 1899? I am of the opinion that they were inspired by prejudice. We didn't vote for them for counsel members.
- Q Do you know if Quegus Harjo is still living? A Dead.
- Q When did he die? A He has not been dead long. I don't know when he died.
- Q Was Millie Harjo his wife? A Yes, sir.
- Q Is she living? A Yes, sir.
- Q What is her post office address? A Yeager.

ATTY. FOR CREEK NATION.

- Q How old were those two boys when they died? A About 16 and 18.
- Q What brothers and sisters did they leave, anybody other than your wife? A Tilda is the only surviving one.
- Q Your wife then is the only one that would inherit these allotments is that so? A Yes, sir.
- Q Who selected these allotments? A I made the selection.
- Q Were they dead at the time you made the selection? A Yes, sir.
- Q How long had they been dead when you made that selection? A I think I went out and looked up land the same summer or year they died.
- Q Did you file on it the same year they died? A I went before the Commission at Wetumka and had them enrolled.

Q When was that? A 1901 I enrolled them.
Q How long had they been dead before you made the affidavit? A I don't know; over a year I think.
Q Why didn't you make the affidavit at once, why did you wait a year? A I at first didn't intend to make application for them but was told that they died in time to receive their land and was advised to go and file for them.
Q Who told you that? A Quegus Harjo.
Q Why was he so long telling you about it? A It was undecided for a good while who to have file for them.
Q Did you know that if they died before April 1, 1899 they could not be filed and who told you? A I have heard it said that people who died before that time are not entitled..
Q Did you know that when you made that affidavit? A No, sir.
Q Didn't you say awhile ago that the reason you filed is because Harjo told you that they died in time for you to file? A He didn't make that statement to me until some time after they died.
Q Do you want to leave that contradictory statement that way? A When the Commission was at Wetumka Quegus Harjo told me that I could select land for these people and that is why I made out those affidavits that you have.
Q You said that when you made the affidavits you didn't know anything about if they died before April 1, 1899 they couldn't get any land.
A Harjo told me they were entitled and I knew it. A Party by the name of Dacen had died about the same time and some one filed for her and by that I judged that these parties were entitled.
Q Do you know and didn't you know then that your wife was the only heir to these two allotments? A Yes, sir, I knew.

Mr. Mott attorney for the Creek Nation has notified Lawyer Deere and Thomas Long to be here today; they could not come but have promised to be here a little later and would like you to hear the testimony.

Q Is there any ill feeling existing between you and Thomas Long and Lawyer Deere? A They aren't on friendly terms with me.
Q Don't you speak? A We speak when we meet but we avoid each other when we can.
Q Is that the only reason for your unfriendliness that you didn't support them for council? A Another reason is that I refused to sign a note for Lawyer Deere at Wewoka.
Q Are you worth anything outside of your allotment? A I have a horse and wagon. We had an election at Tuckabutchee town for members of the council and Porter was running for chief. Thomas Long and Lawyer Deere wanted to become council members and we didn't support them.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this 20 day of February 1906.

J. McDermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, March 2, 1906.

In the matter of the enrollment of Hagie Davis, deceased
and Sam Davis, deceased, as citizens by blood of the Creek Nation.

APPEARANCES: Merritt Halick representing M. L. Mett,
attorney for Creek Nation.

LAWYER DEERE, being duly sworn, testified as follows
through Jesse McDennott, official interpreter.

September 22, 1904, the right to enrollment of Hagie
and Sam Davis was reopened by the Secretary of the
Interior, on motion of the attorney for the Creek
Nation, accompanied by affidavits of Lawyer Deere
and Thomas Long to the effect that said parties died
prior to April 1, 1899.

On February 8, 1906 the parties were notified
that a rehearing would be had in this case February
19, 1906. On February 19, 1906, Willie Harjo appeared
and gave testimony in the case. M.L.Mett appeared for
the Creek Nation and said he was unable to have his
witnesses present--Lawyer Deere, Thomas Long and
others--and he explained to Willie Harjo, the witness,
that said Lawyer Deere and Thomas Long would appear
later and if the witness (Willie Harjo) desired he
the Creek attorney would pay his expenses for two
witnesses for Willie Harjo to rebut testimony which
might be introduced.

- Q What is your name? A Lawyer Deere.
Q What is your age? A A little over fifty.
Q What is your post office address? A Yeager.
Q Are you a citizen by blood of the Creek Nation? A Yes
Q Have you ever held any official position in the Creek Nation?
A Yes, sir.
Q What? A I have served as a council member and a light horseman .
Q Are you a council member now? A No, sir.
Q How long have you been out? A About two years.
Q How long then had you been continuously a member of either
house? A Six years.
Q Do you remember when the Creek land office opened? A I believe
it was in 1901.
Q That isn't the right year--do you remember the event of the
opening? A Yes, I recollect the circumstance.
Q Were you a member of the Creek council at that time? A Yes, sir
Q What Creek Indian town do you belong to? A Tutchebutchee.
Q Did you know Hagie Davis? A Personally acquainted with him.
Q What was the name of his father? A We called him Bennagee and
some times called him Ispekuk Yahola.
Q Is he living--the father of this Hagie? A No, sir
Q What was the name of the mother of Hagie? A Okte Larney; she
belonged to Hillabee.
Q What town did Ispekuk Yahola belong to? A Tutchebutchee.

Q Is Hagie Davis living? A No, sir.

Q When did he die? A He died the same year that Dave Barnett served as judge that is his last term.

Q Do you know the year, month and day that Hagie died? A I desire to introduce the record that I have here in the case. I don't know of my own personal knowledge as to the time of Hagie's death.

Mitchell Compier who made the record has the correct dates. It was before the tribal laws were abolished.

Q Is Mitchell Compier living? A Yes, sir, he is present. I brought a little memorandum with the dates in it to this place and also Mitchell Compier who made the memorandum at the request of the attorney for the Creek Nation.

Q The second name on said memorandum is as follows: "Hagy Harjo April 17, 1897" you didn't make this yourself did you? A No Compier prepared it.

Q When was the first time you saw this? A Today is the first time I ever have seen this book.

Q You don't know when the entry was made then? A No, sir.

Q Did you know Sam Davis? A Yes, sir.

Q Was he a full brother of Hagie? A Yes, sir.

Q Do you know when he died? A I don't know when he died. The only thing I know is he died while Dave Barnett was judge.

Q Did he die before or after his brother Hagie? A Hagie died first.

Q How long before Sam did Hagie die? A It wasn't very long afterwards till Sam died. They and their father died right close together

Q Which died first these children or Ispokok Yahola? A The sons died first.

Q Did you come in on the day of the opening of the land office? A No, sir.

Q When did you file on your land? A I think the land office opened in the spring and I filed the following winter but I don't know the exact month.

It appears from the records of this office that a citizenship certificate was issued to the witness Lawyer Deere on January 23, 1900.

Q Did you execute this affidavit here which is signed by mark by you saying Sam and Hagie Davis died prior to April 1, 1899? A Yes

Q Is that correct? A Yes, sir.

Q Is there anything that helps you to remember that? A The only thing is Dave Barnett's administration.

By M. Eslick.

Q Did Dave Barnett's administration terminate or end before April 1, 1899? A Yes, sir but I don't know just what year.

Q Do you know whether or not Hagie and Sam Davis were dead when Dave Barnett's administration ended? A Yes

Q On this memorandum you have introduced is the names of Sam Harjo and Hagie Hargo are they the same as Sam and Hagie Davis? A Yes, sir quite a number of inquiries were made to me about the death of these people and that is how I came to sign these affidavits. Mitchell Compier is well posted as to the time of their death.

Q Opposite the names of Sam Harjo and Hagie Harjo appears certain dates on the memorandum submitted by you, what do the dates mean if anything? A Those are the dates they died on. They died the same day.

Q Have you used this memorandum on which these dates appear, made by Mr. Compier, to refresh your memory? A I don't know anything about the record. The only thing that I am here for is as I stated before the National attorney requested me to come. Mitchell Compier made these records and I don't know anything about them.

Q Can you state how long before the opening of the land office, that is how many years that Sam and Hagie Davis died? A It must have been two years at least.

COMMISSIONER.

Q Do you know Willie Harjo? A Yes, sir.

Q We have on record here the affidavit of Willie Harjo and Tilda Harjo to the effect that Hagie Davis died April 10, 1899 and Sam Davis died April 9, 1899 which is after the land office opened. We also have here the testimony of Willie Harjo in which it is stated by him that they died in April of 1899, how do you explain that contradiction between Willie and Tilda Harjo's affidavit and testimony and your affidavit and testimony? A I know that these people died before the tribal laws were abolished and I don't think these people are entitled. I was a member of the council and I gave testimony about the death of these people some time ago.

Q Yes you did, your affidavit was made in August 1904, pretty near two years ago.

Q You have had lots of time to refresh your memory and to bring in proof, have you any reason now? A The reason the proofs have been delayed was on account of the lack of money to pay the expenses of the witnesses over here I would have attended to the matter before this if it hadn't been for that.

Q Are you friendly with Willie Harjo? A There is nothing existing between us.

Q Willie Harjo in his testimony said that he thought you filed this affidavit against these parties that you were mad because he hadn't voted for you for council the last time and because he refused to sign a note for you at Wewoka and that he didn't care to meet you or speak to you, what do you say to that? A Long before the election was held the Commission had enrolling parties out near Mufula and I gave my testimony then as to the death of these people.

Q When was this election that you have referred to as the last election. This affidavit you made out, the only proof we have from you in this case was made in August 1904 and that election occurred in 1903? A It is true I made the affidavit since the election was held but I gave my testimony a long time ago before the enrolling party; Charles Gibson was the interpreter.

Reference is hereby made to E70 testimony of Jim Hill to the effect that Hepsie, whose name appears on the 1890 roll died before the land office opened but Hagie and Sam Davis died after the land office opened.

Q Do you know Jim Hill? A Personally acquainted with him.

Q To what town does he belong? A Hillabee.

Q Same town those Davis people belonged to? A Yes, sir.

Q In 1903 over there at the council meeting Jim Hill town king, in accounting for names on the 1890 roll was asked about Hagie and Sam Davis and stated that Hagie and Sam both died after the land office opened, how do you account for that, he also stated that Hepsie died before the land office opened? A Its the truth that Hepsie died first but as to Hagie and Sam dying after the land office opened, I believe that is a mistake.

Q Were you present when they died? A Yes, I was present when they died also present at the burying.

Q Was Jim Hill present? A No, sir.

Q Did he live close to them when they died? A No

Q Was he present at the funeral? A No

Q How old were Sam and Hagie Davis? A I don't know just how old they were but I think they were 14 and 15 respectively.

Q Have you ever seen the grave of either of these parties? A Yes

Q Is there any headboard or any mark on there to indicate the date of their death or age? A They did have but I don't know whether it is there now or not

Q When was the last time you saw these graves? A A very short time ago I went by there driving some cattle and saw the graves but never noticed the headboards.

Q Was there a house over the grave when you went by lately? A Yes sir. I was present when these houses were built.

Q Did they put any headboard or footboard on these graves? A I think the headboards are there but I don't know whether there was a record made on them or not.

Q Where are these graves? A They were buried about a mile and a half northeast of my place.

ATTY. for Greek Nation.

Q Was Dave Barnett judge of an Indian court under the Greek tribal laws? A Yes

The examiner states that the tribal courts were abolished some time in the fall or winter of 1898.

MITCHELL COMPIER, being duly sworn, testified as follows, through Jesse McDermott official interpreter.

Q What is your name? A Mitchell Compier.

Q What is your age? A I am about 28.

Q Are you a citizen by blood of the Greek Nation? A Yes, sir.

Q To what town do you belong? A Tutchebutchee.

ATTY. for Greek Nation.

Q Did you know Sam and Hagie Davis? A Yes

Q Are they living or dead? A Dead.

Q Are Sam and Hagie Davis the same as Sam and Hagie Harje? A They are the same people. I would judge they must have been 18 and 20 respectively.

Q Look at that memorandum and state what that is? A It is a record that I made of Sam and Hagie Harje, they died within a day apart and a little house was built covering both graves.

Q When did you make that memorandum? A I just copied this the other day.

Q What is the original record, what did you take it from? A I copied this book from the headboards of the graves.

Q When did you make that memorandum? A Yesterday.

Q This memorandum Sam Harje April 16, 1897 (or Sam Davis) is that the date on the headboard of his grave showing the date of his death? A Yes, sir. Dave Harje wrote the record on the headboard. I saw him when he made them.

Hagy Harje April 17, 1897 is that on his headboard? A Yes, sir.

COMMISSIONER.

Q How far do you live from where these people are buried? A I live about two and a half miles south.

Q Did you live there at the time of their death? A I was living at their house when they died. Bennegoe Harje was married to my aunt and these children are his and he was living with them at the time they died.

Q What was the names of the parents of these children? A Ispekak Yahola.

Q Who are the heirs of Hagie and Sam? A Tilda and John Davis and some others that I do not know of.

Q Is there any illing feeling between you and any of the heirs of these children? A No

Q You are friendly with them are you? A Yes

Q You present here what purports to be or what you state to be a record of the deaths of certain persons; a portion of which is in pencil and a portion in pen. You stated a while ago that you took this record from the headboards of the graves? A Even if I hadn't copied the record from the headboards, I know about the date of their deaths of my own knowledge.

Q You didn't copy this record at the grave did you? A No.

Q You copied them from memory at your home? A Yes, sir.

Q Do you know when the Creek land office opened? A April 1, 1899

Q Were you present at the opening? A No, sir I was near Barlesboro at that time.

Q Did Sam and Hagie Davis die before the land office opened or after? A They died before the opening of the land office because they died in 1897.

Q What time of the year? A They died in April, Sam the 15th and Hagie the 17th.

Q You got these dates from memory, you remember the time and you remember the dates on the headboard? A Yes, sir.

Q When did you file? A I didn't file myself; John McKane filed for me.

Q Do you know when he filed for you? A He filed for me in 1900.

Q What month in the year? A I don't know that. I was living near Barlesboro at that time with my uncle.

Q How long did you live in the family with Hagie and Sam Davis.

A I have been there nearly every day at that house where they lived up to a year ago.

Q How long had you been living with John McKane at Barlesboro when he filed for you in 1900? A John McKane lived near Holdenville; I was living with Thomas Koher.

Q How long did you live with Thomas Koher or John McKane? A I went from Koher's house back to Yahola's place and then back to Koher's again.

Q Do you know the year you left the Davis family? A I never have left there until about a year ago when I got married I moved to myself.

Q How long did you live with McKane or Koher at any one time?

A John McKane raised me from a baby after my mother died and after I got a little older I got to working for wages, that is how I came to be going backwards and forwards.

Q Have you any interest in this case? A No.

Q Why did you come in here today? A By request of Lawyer Deere and Thomas Long.

BY ATTY. FOR CREEK NATION.

Q Did Lawyer Deere and Thomas Long tell you that the Creek attorney requested them to bring any other witness who knew the facts in this case? A When Thomas Long received the notice from the Creek attorney about this case I read the letter for him and that was the way I understood it.

THOMAS LONG, being duly sworn, testified as follows through Jesse McDermott official interpreter.

Q What is your name? A Thomas Long.

Q What is your age? A I am about fifty.

Q What is your post office? A Yeager.

Q Are you a citizen by blood of the Creek Nation? A Yes, sir.

Q Did you know Hagie and Sam Davis? A Yes

Q What was the name of their parents? A The father was Ispekoh Yahola; I have forgotten the mother's name.

Q To what Creek Indian town do you belong? Tutshebatches.

Q Did you ever hold any official position if so what was it? A I was a member of the House of Warriors. A When was the last time you were a member of the House of Warriors? A It has been about seven years.

Q Did you live near Sam and Hagie Davis when they died? A Lived about two and a half miles from them.

Q Were you present at their funeral? A Yes, sir.

Q Were both buried the same day? A No.

Q Were you a member of the House of Warriors at the time they were buried? A Yes, sir.

Q How long after that before you went out? A About three years.

Q Do you remember when the Creek land office opened? A Yes.

Q When was it? A 1899 in April.

Q What day? A I believe it was the first day; Sam and Hagie died before that time.

Q As you have stated in an affidavit here? A Yes, sir.

Q How long before? A They died in 1897.

Q Is there anything helps you remember that? A I had a brother in-law by the name of Dave Kernel to die long about the same time and we came in here to file for him and we were informed that he wasn't entitled. Dave Kernel died February 24, 1899.

Q And did these two boys die before that? A Yes, Dave Kernel made the coffin for these two boys.

Q Is that the reason why you made out that affidavit on which these two cases were originally reopened stating that these two children died before the land office opened? A Yes, sir.

Q Were you mad because these children were put on the roll and Dave Kernel wasn't or was it because you didn't want any citizen who was not entitled enrolled? A Not because I was mad but because these people were not entitled that I made out this affidavit.

Q Is there any ill feeling between you and Willie Harjo? A Willie Harjo is a nephew of mine; there is nothing existing between us.

Q Willie says these two people died after the land office opened? A He was mistaken then. They died before.

Q And he says you say they died before because he wouldn't vote for you in the last election? A Willie just made that up himself (witness laughs good naturedly and says)--they consider me a preacher out in my neighborhood and I don't have any ill will to anybody.

Q When you filed on your land were those children living? A They were both dead when I filed.

Q Had they died just the year before you filed? A I don't know just how long it was after they died that I filed.

Q Was it as much as two years before you filed that they died? A I don't know just how long it was.

Q You told us that they died in '97, what time of the year did they die in, what month? A I think they died in April.

Q You tell us they died in April '97, you tell us the land office opened April 1, 1899 and you didn't file when the land office opened, how does it come that you can't tell us the number of years about between the death of these children and when you filed? A I can't recollect dates like you white people can because I don't keep any record of anything.

Q In the testimony of today you have given several dates all right, 97 and 99 and now when we ask you an easier question than that you can't give it? A At the time of the opening of the land office I was a member of a faction which they called Snakes and I didn't file until a long time after the opening of the land office.

Q The records here show it was about a year after and it seems to me that if these people did die in 97 you would be conscious

of the fact that it was about three years before you filed without giving the exact year or month? A I just don't know now.
Q How many years have they been dead, these two? A I don't know that.

Q How long before the land office opened was it that these boys died? A I don't know. I think it must have been about a year.
Q You don't remember time very well do you, because from April 97 to April 98 would be one year and to April 99 would be two years? A I am a full blood Indian and it is very hard for me to reckon dates.

Q How could you say then off hand that the land office opened in April '99? A That day was a big day for the Indians and that is why I recollect it.

Q Do you remember it of your own knowledge and memory or because people have told you? A I reckon the date of the opening of the land office from the death of my brotherinlaw.

Q And he died before the land office opened did he? A Yes

Q And he made the coffin for Sam and Hagie Davis? A Yes

Q How long before his death was it that he did that? A I can't answer that question because I didn't know when he was going to die.

Q From the time he took the saw in his hands to make the coffin until he died, how long was it? A It was the second year after he did that. For these boys, that he died.

Q To what Creek Indian did your brotherinlaw belong? A Tutchebutchee.

ADJOURNED till March 3, 1906.

Hearing resumed March 3, 1906.

HENRY LONG, being duly sworn, testified as follows through Jesse McDermott official interpreter.

Q What is your name? A Henry Long.

Q What is your age? A About 54 years old.

Q What is your post office address? A Yeager.

Q Are you a citizen by blood of the Creek Nation? A Yes, sir.

Q To what town do you belong? A Tutchebutchee.

Q Did you know Sam and Hagie Davis? A Yes, sir.

Q Are they living? A No, sir dead.

Q When did they die? A I don't know anything about the dates of their death. The only thing I know is they died about a day apart. Sam died first and Hagie next. The two graves are under one roof. The only thing I know is they died and that's all. My wife waited on these boys when they were sick and my wife has been dead nine years. I judge by that they have been dead ten years. I was also told that my wife wasn't entitled and I see some people have filed who died before she did. I have appeared here for the purpose of testifying in the case of George Washington. I really know nothing about the deaths of these other people. I understand that these other witnesses have filed proof of death stating that my child George Washington was not entitled.

ATTY. for Creek Nation.

Q You mean to say that your wife waited on Sam and Hagie Davis in their last illness? A Yes.

Q And they died some time before your wife did? A Yes

Q Have you ever tried to file for your wife? A No

Q Have you ever been informed whether or not she would be entitled to an allotment? A No

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Q What was your wife's name? A Sukey.

Q Did your wife die before or after the opening of the land office? A My wife died in 1898.

COMMISSIONER.

Q You came in here today not to testify for the Creek attorney against Sam and Hagie Davis but to testify about George Washington, that is the reason you came is it? A I came in about my child George Washington.

Q But you do know that your wife Sukey who died in 1898, waited on these two boys in their last illness some time before her own death? A Yes, I am positive about that.

I, Anna Garrigue, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said case on said date.

Subscribed and sworn to before me
this day of March 1906.

Anna Garrigue

J. McDermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JULY 9th, 1906.

In the matter of the right to enrollment of Hagie Davis and Sam Davis, both deceased, as citizens by blood of the Creek Nation.

APPEARANCES: L. M. Mott, attorney for Creek Nation.
J. Coody Johnson, Attorney for Applicant.

Thomas Long being first duly sworn, testified as follows:
through Wm. McCombs, sworn interpreter.

Questions by Commissioner:

- Q: Your name is Thomas Long? A: Yes sir.
Q: How old are you? A: 50.
Q: What is your post-office address? A: Yeager.
Q: You have previously testified in this matter have you not?
A: Yes sir.
Q: Did you also sign an affidavit and transmit it to the attorney for the Creek Nation in regard to the date of death of these persons? A: Yes sir.
Q: On March 2, 1906, it appears from the records of this office, you appeared and testified to the effect that Hagie and Sam Davis, both died prior to April 1, 1899, and that they were buried the same day? A: Yes sir.
Q: Do you know anything further in regard to the date of death of these persons, than you testified to when you were here before? A: The circumstance that I know well was in 1897 the tribal law commenced filing and the year 1898 the law was abolished by the government and these two circumstances I remember well and it was about that time those two persons died.
Q: Do you remember whether they died in the year 1897 or 1898 or do you remember the exact date? A: They died in 1898.
Q: During whose reign as chief did they die? A: I think it was Isparetcher's administration.
Q: Were you in Muskogee on the day of the opening of the land office? A: No sir, I wasn't in here on the day of the opening of the land office.
Q: How long after the opening of the land office did you file?
A: About the second year.
Q: Then how long before you filed had these people died?
A: About 4 years.
Q: Do you know where they were buried? A: Yes sir.
Q: Was there a record or head-board put over their grave?
A: Yes sir.
Q: Did you ever see that record? A: I hadn't seen it lately because there is a house built over the grave.
Q: When was the house put there? A: The grave house was put over it two weeks after they were buried.
Q: Did you help build that grave house? A: No sir.
Q: How did you remember that it was put there 2 weeks afterwards? A: I was told they were building a house over the grave.
Q: What was the sickness, what did these people die of?
A: Died with a fever.
Q: Did they die with small-pox? A: No sir.

- Q: Do you remember when the small-pox was raging through the western part of the Creek Nation some years ago?
- A: I testified before I did not know the year the small-pox was up in that part of the country.
- Q: Do you know when the Novis Fixico children died? A: No sir.
- Q: Do you know when Osa Hengha died? A: No sir.
- Q: Do you know any person who died during that small-pox epidemic? A: Hokte Larney.
- Q: Did Hagie and Sam Davis die before Hokte Larney?
- A: Yes sir.
- Q: Do you know how long before? A: Hokte Larney lived about 20 miles from me, therefore I don't know the exact time that interceded.
- Q: Are you sure that Hokte Larney died ~~first~~ after Sam and Hagie Davis. A: In that matter I am not very clear but I am satisfied that Hokte Larney died after that time.
- Q: Do you know any of the heirs of Sam Hagie and Sam Davis?
- A: Yes sir.
- Q: Do you know Tilda and John Davis? A: Yes sir.
- Q: Do you know whether any of these heirs had knowledge of these proceedings here today?
- A: When I returned here the last time in this case it was agreed to do away with this trial and from that I thought they would have been notified, that it was going to be made public.
- Q: Do you mean they agreed to tell Hilda And John about it?
- A: It was agreed in the final trial that they must be notified the town agreed to that but whether they were notified or not, I don't know.
- Q: Is Tilda Davis the same as Tilda Harje? And Willie Davis does he sometimes sign his name as Willie Harje? A: Yes sir.
- (The records of this office show that Willie Harje and Tilda Harje were notified on June 19, 1906 of the hearing of this case)
- Q: Do you now swear you have no ill feeling towards any of the members of the Davis Family? A: No ill feeling whatever.
- Q: Your purpose is what in appearing here and testifying in this matter? A: I gave in my testimony because I knew it was fraudulent to clear my own conscience.
- Q: You had to make this statement because you knew they were enrolled fraudulently? A: Yes sir.
- Questions by L M. Mott, counsel for Creek Nation.
- Q: Have you ever talked with the heirs in this case? A: No sir.
- Q: You are on friendly terms with all of them? A: There is nothing unfriendly in this matter at all and one of them is my own nephew.
- Q: One of the heirs? A: Yes sir.
- Q: What is the name of that nephew? A: Willie.
- Q: Do you feel that it is your duty as a citizen of the ~~the~~ creek Nation to prevent all fraudulent enrollments if it is in your power to do so? A: That is all, nothing but that.

Lawyer Deere, being first duly sworn, testified as follows:

Questions by Commissioner, through sworn interpreter, Wm. McCombs:

- Q: What is your name? A: Lawyer Deere.
Q: How old are you? A: I am over 40 years.
Q: Aren't you over 50 years old. A: I don't know probably I am over 50, I don't know, because I was about 12 years old during the civil war.
Q: What made you answer that question in the manner you did and state that you were 40? A: The simple reason was that I haven't got a record of my birth.
Q: What is your post-office address? A: Yeager.
Q: Are you the person who appeared before the commission on March 2, 1906 and testified in the matter of the enrollment of Hagie and Sam Davis? A: Yes sir.
Q: Do you know anything further in regard to this case than you have already testified to? A: That is all.
Q: Have you had any conversation since you testified here before with any of the heirs of Hagie and Sam Davis in regard to this matter? A: No, but I knew that the case has been pending here.
Q: How do you know that they knew that there is a hearing here at the present time? A: The sister of these deceased asked me about it.
Q: Tilda and Sam John Davis were they heirs of Hagie and Sam Davis? A: Tilda is the sister and the other one is a cousin, first cousin.
Q: Are you certain they knew of this hearing? A: Yes sir When Tilda spoke to me about it, asked me ~~about it~~ to testify and the others testified in this case she just supposed we had an ill feeling and I told her everything is open that there is no ill-feeling whatever and that she had as much right to speak for herself as anyone had to speak.
Q: Did you tell her you were going to appear here on this day to testify in this matter? A: Yes, I explained the whole matter to her.

Henry Long, being first duly sworn, testified as follows:
Questions by Commissioner, through sworn interpreter Wm. McCombs.

- Q: What is your name? A: Henry Long.
Q: How old are you? A: I think I am about 45 years of age.
Q: Do you think you could be over 50? A: Probably I am over 50 but I do not know, I have no record of it.
Q: What is your post-office address? A: Yeager.
Q: You are the Henry Long who testified in this matter on March 3, 1904 are you? A: Yes sir.
Q: Do you know anything further in regard to this matter than you did when you testified before? A: No, I haven't learned anything further.
Q: Do you know whether these people died before the Creek Land office opened or afterwards?
A: Name the parties?
Q: Hagie and Sam Davis? A: They died before the land office opened.
When you were here on March 3, 1906 you said all you knew was that they died, you didn't know anything about the date of their death? A: Yes sir.

- Q: Did they die before your wife died? A: That was a very clear circumstance that transpired because I made application to enroll my wife and I was refused and they died before my wife did.
- Q: Your wife's name was Baker? A: Yes sir.
- Q: And she died before the opening of the land office? A: Yes sir.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval

Subscribed and sworn to
before me this 21 day of July 1906.

H. H. Haines
Notary Public.

See page following

Statement by L. M. Mott, Attorney for Creek Nation:

National attorney desires to state that in the examination of Lawyer Deere and Mitchell Compere, in the different cases, one after the other, their demeanor upon the stand impressed me with the conviction that their testimony was not of such a character as could be relied upon. The force of this cannot be appreciated by one merely reading the testimony, and I do not desire this statement to be understood as affecting the decision of the Commission in this case, and is meant to apply only to the two witnesses above mentioned, without regard to the testimony of other witnesses.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and correct statement of L. M. Mott taken in proceedings had in the matter of the application for the enrollment of Hagie Davis, and Sam Davis, both deceased, taken on July 2, 1906 and the same is made a part of the record in this case according to the implied direction of Mr. Mott.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
HOLDENVILLE, I. T., SEPTEMBER 29, 1906.

In the matter of the enrollment of Hagie and Sam Davis,
both deceased, as citizens by blood of the Creek Nation.

MITCHELL COMPIER being duly sworn testified as follows:
Through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Mitchell Compier.
- Q How old are you? A I am a little over 30.
- Q What is your postoffice address? A Yeager.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q To what Creek town do you belong? A Tuckbatche.
- Q Were you acquainted with Hagie and Sam Davis? A Yes sir.
- Q They were the sons of my aunt's husband, Ispokok Yahola.
- Q Do you know when they died? A Sam died April 15, 1897, and Hagie died April 17, 1897; Hagie died the next day after Sam was burried.
- Q How do you fix the dates of the deaths of Sam and Hagie Davis?
- A I simply remember the dates of their deaths; I was living in the same house at that time; prior to that time I had been living with my uncle, Tobe-Alexander Tobe Alexander, but had returned to my aunt's and had been living there in her family about a month when Sam and Hagie died. Another thing which helps to fix the date of their deaths in my mind is that the Creek Tribal Courts were not abolished; Robert Carr was the Captain of the Light Horse of this district with Jim Noon and Jeff Tiger as privates. Ispokok Yahola died about a month after the death of his two sons Sam and Hagie; on the day that he was burried I was out hunting hogs when a shooting affray occurred in the woods between the Light Horsemen and a couple of negroes whom they were trying to capture. I remember the incident very distinctly because I was a witness to the affray.
- Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes sir, people began filing upon their allotments April 1, 1899.
- Q Did Sam and Hagie Davis died prior to or subsequent to the opening of the Creek Land Office? A They died long before the opening of the Creek Land Office.
- Q You are positive of that, are you? A Yes sir, as positive of that as I can be of any fact.
- Q Who was the District Judge at the time Sam and Hagie died?
- A Dave Barnett. He administered upon the estate of their father who died a month later. In administering upon the estate

Barnett decided that my aunt, Nancy Harris, was not the legal wife of Ispokok Yahola and she did not share in the distribution of the estate. These facts fixes it very clearly in my mind as to the exact dates of the deaths of Sam and Hagie Davis.

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true, and correct transcript of his stenographic notes thereof.

James B. Myers

Subscribed and sworn to before me this 3 day of
October, 1906.

Wm. H. Hays
Notary Public.

Coke

Memphis, T. T., August 10, 1904.

Samuel West and Thomas Long personally appeared before me and after being duly sworn say that they know intimately Henry West and that Henry died prior to April 1st, 1899. And they further swear that they have talked to different people, among them relatives of the accused who will make oath that said deceased party died before the 1st day of April, 1899.

Witness
Exposition

Samuel West
Thomas Long

Subscribed and sworn to before me this 10th day of August, 1904.

Wm. J. McIntosh
Notary Public.

By Commission Expires July 1, 1905

Outing

~~Admission~~
Cinema

Thos. L. King

Seat

Notary Public.

My Commission Expires: 8-27-2012

2873
I. 3570.

Muskegee, Indian Territory, September 22, 1904.

The Honorable

The Secretary of the Interior.

Sir:-

The names of Hagie Davis and Sam Davis are contained in the partial list of citizens by blood of the Creek Nation, approved by the Department March 28, 1902, Nos. 8994 and 8995, respectively.

September 21, 1904, the attorney for the Creek Nation delivered to the Commission, for transmission, communications to the Department in the nature of motions for rehearing, asking that the matter of the enrollment of said Hagie Davis and Sam Davis be reopened. The motions are supported by the affidavits of Lawyer Deer and Thomas Long.

In view of said affidavits it is respectfully recommended that the motions be granted and the Commission authorized to have a rehearing of the cases.

The communications and affidavits are inclosed.

Respectfully,

Through the
Commissioner of Indian Affairs.

Chairman.

DOI. 1-22/9.

Copy.

DEPARTMENT OF THE INTERIOR?

WASHINGTON.

J.P.

FHE.

I.T.D. 10168-1904.

October 13, 1904.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

September 22, 1904, you stated that on September 21, 1904, the attorney for the Creek Nation submitted communications to the Department, in the nature of motions for rehearings, asking that the matter of the enrollment of Hagie Davis and Sam Davis be reopened. The motion was supported by affidavits of Lawyer Deer and Thomas Long.

The names of said Hagie Davis and Sam Davis are contained in the partial list of citizens by blood of the Creek Nation, approved by the Department March 28, 1902, Nos. 8994 and 8995, respectively. You recommend that the motion be granted, in which recommendation the Acting Commissioner of Indian Affairs concurs, in his ~~last~~ letter of October 10, 1904, a copy of which is inclosed.

You are authorized to proceed in the manner suggested. The affidavits are herewith returned.

Respectfully,

Three inclosures.

Thos Ryan
Acting Secretary.

Refer in reply to the following:
Land: 66,438-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Oct. 10, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated September 22, 1904, transmitting a communication from the Attorney for the Creek Nation, in the nature of motions for a rehearing in the matter of the enrollment of Hagie and Sam Davis. The motions are supported by the affidavits of Lawyer Deere and Thomas Long.

In view of the Department's action of October 1, 1904, -- I.T.D. 9140--it would seem that the cases mentioned should be reopened and I so recommend.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

(G.A.W.)P.

C O P Y.

Land:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

66,441-1904.

WASHINGTON,

October 10, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated September 22, 1904, transmitting a communication from the attorney for the Creek Nation, in the nature of a motion for a rehearing in the matter of the enrollment of Kate Davis, and asking that the case be reopened. The motion is supported by the affidavits of Lawyer Deer and Thomas Long.

In view of the Department's action of October 1, 1904-- I.T.D. 9140-- it would seem that the case should be reopened, and I so recommend?

Very respectfully,

A.C. Tonner.

Acting Commissioner

(G.A.W.) P.

Or En 930

Muskogee, Indian Territory, November 13, 1905.

Alex Possey,

Okemah, Indian Territory.

Dear Sir:

You are directed to take testimony for the purpose of ascertaining the exact date of the death of Hagie Davis and Sam Davis, whose names are contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite Nos. 8994 and 8995, respectively.

September 22, 1904, the right to enrollment of said Hagie Davis and Sam Davis was reopened by the Secretary of the Interior on motion of the attorney for the Creek Nation. Said motion was accompanied by affidavits executed by Lawyer Deere and Thomas Long to the effect that said Hagie Davis and said Sam Davis died prior to April 1, 1899. There are on file in this Office affidavits executed September 6, 1901, by Tilda Harjo, a sister, and Willie Harjo, an acquaintance, of said Sam Davis to the effect that said Sam Davis died on the 9th day of April, 1899, and affidavits by said Tilda Harjo and Willie Harjo to the effect that said Hagie Davis died on the 10th day of April, 1899. The post-office address of said Tilda and Willie Harjo is Wetumka, Indian Territory.

Respectfully,

Commissioner.

REPLY IN REPLY TO THE FOLLOWING:

En. 930.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 19, 1906.

Tilda Harjo,

Wetumka, Indian Territory.


Dear Madam:

September 22, 1904, a letter was addressed to you by this office notifying you that a rehearing would be had in the matter of the enrollment of Hagie and Sam Davis, both deceased, on February 19, 1906, said case being reopened by the Department under date of October 1, 1904, on motion of the attorney for the Creek Nation, accompanied by affidavits to the effect that said Hagie and Sam Davis died prior to April 1, 1899. Evidence was submitted in the case on the date set. Your testimony is desired in this matter and you are hereby notified that a rehearing in the case will be had at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, on July 6, 1906 at which time you are requested to appear and testify.

-2-

The attorney for the Creek Nation has been notified of said rehearing and that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,

A handwritten signature, possibly "J. H. ...", is written in dark ink. It consists of a long horizontal stroke followed by several vertical strokes of varying lengths, creating a stylized, somewhat abstract representation of a name.

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

En, 930.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 19, 1906.

Willie Harjo,

Wetumka, Indian Territory.

Dear Sir:

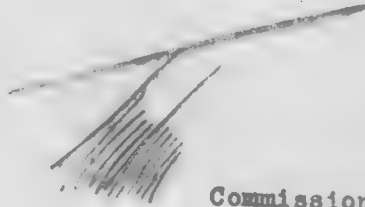
September 22, 1904, a letter was addressed to you by this office notifying you that a rehearing would be had in the matter of the enrollment of Hagie and Sam Davis, both deceased, on February 19, 1906, said case being reopened by the Department under date of October 1, 1904, on motion of the attorney for the Creek Nation, accompanied by affidavits to the effect that said Hagie and Sam Davis died prior to April 1, 1899. Evidence was submitted in the case on the date set. Your testimony is desired in this matter and you are hereby notified that a rehearing in the case will be had at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, on July 6, 1906 at which time you are requested to appear and testify.

The attorney for the Creek Nation has been

-2-

notified of said rehearing and that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,

A handwritten signature, possibly "J. Edgar Hoover", written in dark ink. The signature is stylized with a long horizontal stroke at the top and several vertical strokes below it.

Commissioner.

En. 930.

Muskogee, Indian Territory, June 19, 1906.

M. L. Mett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

September 22, 1904, the Department reopened the matter of the enrollment of Hagie and Sam Davis, on your motion, accompanied by affidavits to the effect that said parties died prior to April 1, 1899. February 8, 1906, the parties in interest were notified that a rehearing in this case would be had on February 19, 1906. Testimony of certain witnesses was taken on said date also on March 2, 1906.

Further evidence is desired in this case and you are hereby notified that a rehearing will be had in this matter at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on July 6, 1906.

The heirs of said Hagie and Sam Davis will be

given an opportunity to introduce evidence at said time and place.

Respectfully,

Commissioner.

Cr. En. 930.

Muskegee, Indian Territory, October 2, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

September 22, 1904, the Commission to the Five Civilized Tribes transmitted to the Department a communication from the attorney for the Creek Nation in the nature of a motion to reopen the matter of the right to enrollment of Hagie Davis, deceased, and Sam Davis, deceased, whose names are contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite Nos. 8994 and 8995, respectively. Said motion was accompanied by affidavits executed by Lawyer Deere and Thomas Long to the effect that said Hagie Davis and said Sam Davis died prior to April 1, 1900.

The records of this office show that on September 6, 1901, there was filed with the Commission to the Five Civilized Tribes proof of death of said Hagie and Sam Davis.

Secretary R.

in the form of affidavits executed by Tilda Harjo, a sister, and Willie Harjo, an acquaintance, to the effect that said Hagie Davis died April 10, 1899, and that said Sam Davis died April 9, 1899.

October 13, 1904 (I.T.D.10168-1904), the Department reopened said case and authorized the Commission to investigate whether the enrollment of said Hagie and Sam Davis, deceased, was proper.

In compliance with verbal requests of the attorney for the Creek Nation, action in this case was suspended from time to time until July 11, 1905, on which date the parties in interest were notified that the case was set for hearing August 4, 1905, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory. No appearances were made on the day set.

July 24, 1905, this office received a communication from the attorney for the Creek Nation withdrawing all motions to reopen Creek enrollment cases filed by him prior to the meeting of the Creek council, in October, 1904.

October 2, 1905, a report was transmitted to the Department in the matter of the right to enrollment of Aaron

Secretary 2.

McGirt, deceased, and it was recommended in said matter that in view of the facts in the case and of the action of the attorney for the Creek Nation in withdrawing his motion to reopen same, that the enrollment of said Aaron McGirt, deceased, be allowed to stand.

The Department under date of November 3, 1905 (I.T.D.14250-1905), directed that investigation be had as to the right to enrollment of said Aaron McGirt, deceased, stating that "it is not necessary for the Creek Nation to supply funds to investigate this matter. You are authorized to see that correct rolls of Creek citizens are made, and have been furnished with the means necessary for that purpose".

In accordance with instructions as above set out, a hearing as to the right to enrollment of Hagie Davis and Sam Davis (both deceased) was set for February 19, 1906 and proceedings were had on said date, Willie Harjo, a relative and heir of said applicants appearing and testifying, and H. L. Mott appearing on behalf of the Creek Nation. Further proceedings were had on March 2, 1906 and July 9, 1906.

The records in the possession of this office show that deeds covering the allotment selections of land in the

Exhibits 4.

Greek Nation to said Hagie Davis and Sam Davis (both deceased) have not been issued.

The witnesses in this case are all Greeks by blood, mostly of the fullblood, and though the evidence as to the date of death of applicants is for the most part positive, the general ignorance of this class of witnesses must be taken into consideration. In this connection attention is invited to the statement of M. L. Nott, attorney for the Greek Nation, made at the conclusion of the hearing had on March 2, 1906, that it is his opinion that the testimony of certain witnesses introduced on behalf of the nation is not of such a character as could be relied upon. The witnesses especially referred to by Mr. Nott are Lawyer Deere and Mitchell Campere.

Many inconsistencies appear in the testimony of Willie Harjo, the only witness on behalf of applicants, and among the inconsistencies attention is invited to the following:

- "Q. Did Hagie Davis die before or after that first day of the filing? A. He died after I filed.
Q. You must be mistaken about that, you must be mixing filing with enrolling, because the records show you did not file until 1900? (Witness nods his head).
Q. You made out an affidavit and gave a certain year and we want to know how you fix that, you

Secretary S.

stated he died in 1899 and now you state he died after you filed and our records show you did not file until 1900, how do you explain that?
A. I must be confused about the dates."

It will be noticed that witness testifies as to the exact date of death of his brother-in-law, Hagie Davis, and only after a series of questioning does he attempt to give the exact date of death of his own child, Hagie.

The witnesses on behalf of the nation are Lawyer Deere, Mitchell Compere (or Compier), Thomas Long and Henry Long. Eliminating the testimony of Lawyer Deere and Mitchell Compere, the character of whose testimony has been brought in question, the evidence of the other witnesses is consistent and positive and to the effect that said Hagie and Sam Davis died prior to April 1, 1899 and before the opening of the Creek land office.

Henry Long testifies that his wife Sukey died in the year 1898 and that she waited on Sam and Hagie Davis in their last illness. Thomas Long testifies that his brother-in-law, Dave Kernal, died before the opening of the Creek land office, that he died subsequent to the date of death of Hagie and Sam Davis and that Dave Kernal made the coffins for said applicants.

Secretary C.

I am of the opinion that the preponderance of the evidence establishes the dates of death of Hagie and Sam Davis as prior to April 1, 1899 and respectfully recommend that authority be granted for the striking of the names of said applicants from the approved roll of citizens by blood of the Creek Nation, opposite Nos. 3994 and 3995, and for the cancellation of allotment selections in the Creek Nation made to said applicants.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

AG-201

REFER IN REPLY TO THE FOLLOWING:

No. 930.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Holdenville, Indian Territory, October 4, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith the testimony of Mitchell
Compier, taken by the Creek Field Party September 29, 1906, in
the matter of the enrollment of Hagie and Sam Davis, both deceased,
as citizens by blood of the Creek Nation.

Respectfully,

W. M. May
In Charge,
Creek Field Party.

JBM

730

RECEIVED	
No.	Received
43537	OCT 5 1906

Posey, Alex.,
Holdenville, I. T.,
Creek Nation,
Oct. 4k 1906.

Transmits testimony in re
application for enrollment
of Hagie and Sam Davis, both
deceased, as citizens of
the Creek Nation.

(C O P Y)

En 930

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

FHE.

I.T.D. 22278-1906.

November 10, 1906.

LRS.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 2, 1906, you recommended that authority be granted for the striking of the names of Hagie Davis and Sam Davis, from the approved roll of citizens by blood of the Creek Nation, opposite Nos. 8994 and 8995, respectively, and for the cancellation of allotment selections in the Creek Nation made to said persons, it having been shown, in proceedings instituted to investigate the enrolment cases of said persons, that both of them died prior to April 1, 1899, and are not entitled to enrolment.

Reporting November 6, 1906, the Indian Office concurs in your recommendation. A copy of its letter is inclosed.

Steps will be taken for the cancellation of the enrolment of said persons upon the proper roll in the Department and the Indian Office, and you are authorized to note such cancellations upon the roll in your possession and to cancel their allotment selections.

Respectfully,

1 inclosure

Thos. Ryan

First Assistant Secretary

COPY.

En 930

Refer in reply to the following:
Land
86616-1906

DEPARTMENT OF THE INTERIOR,

(C O P Y) Office of Indian Affairs,
Washington.

November 6, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated October 2, 1906, enclosing the record in the matter of the enrollment of Hagie Davis, deceased, and Sam Davis, deceased, as citizens by blood of the Creek Nation.

The evidence taken in this matter shows beyond a doubt that both these persons died prior to April 1, 1899, and the Office concurs in the recommendation of the Commissioner that their names be stricken from the approved roll of citizens by blood of the Creek Nation as they appear opposite Nos. 8994 and 8995, and that the allotment selections heretofore made in the names of these applicants shall be cancelled.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

EVE--SD

En 930

Muskogee, Indian Territory, November 22, 1906.

Chief Clerk Creek Land Office,
Muskogee, Indian Territory,

Dear Sir:

There is herewith inclosed a copy of Departmental instructions dated November 10, 1906 (I.T.D. 22278-1906) authorizing the cancellation from the Creek Rolls, of the names of Hagie and Sam Davis, deceased, opposite Roll numbers 8994 and 8995 respectively.

Respectfully,

Encl.
JUL-23-06.

Commissioner.

744

COPIES IN REPLY TO THE FOLLOWING

No. 930

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 23, 1906

Tilda Harjo,
Gone of Jackson Bruner,
Wetumka, Indian Territory.

Dear Madam:

You are hereby advised that under Departmental authority of November 10, 1906 (I.T.D. 22278-1906) the names of Hagie and Sam Davis, deceased, have been stricken from the approved Creek Rolls, opposite Roll numbers 8994 and 8995, respectively.

Respectfully,



Commissioner.

Muskogee, Indian Territory, November 23, 1906

Willie Harjo,

Wetumka, Indian Territory,

Dear Sir:

You are hereby advised that under Departmental authority of November 10, 1906 (I.T.D. 22278-1906) the names of Hagie and Sam Davis, deceased, have been stricken from the approved Creek Rolls, opposite Roll numbers 8994 and 8995, respectively.

Respectfully,

Commissioner.

En. 950

Muskogee, Indian Territory, November 29, 1906

M. L. Mott,

National Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under Departmental authority of November 10, 1906 (I.T.D. 22278-1906) the names of Hagie and Sam Davis, deceased have been stricken from the approved Creek Rolls, opposite Roll numbers 8994 and 8995, respectively.

Respectfully,

Commissioner.

CR EN 93/

CR EN 93/

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. APRIL 26, 1904.

In the matter of the identification of Sam Ford whose name appears upon the 1895 payroll of the Creek Nation, Ketchapataka town, #284.

Richard Bruner being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Richard Bruner.
Q How old are you? A About 72 last August.
Q What is your post office address? A Edna.
Q You are a citizen of the Creek Nation, are you? A Yes sir; by blood.
Q Do you know a man who calls himself Sam Ford? A Yes sir.
Q Is that his real name? A No sir.
Q What is his real name? A Tommie Johnson.
Q How long have you known him? A About two years.
Q How far does he live from you? A About 28 miles; close to my brother, Richmond Bruner.
Q Do you know how long this man who calls himself Sam Ford has been in the Creek Nation? A I don't know anything about it except that my brother told me that Sam Ford had filed by Sam Ford, not by Tommie Johnson, but by Sam Ford- that's the name on the Ketchapataka roll; Wash Adams made a trade with him and charged him \$100.
Q You mean that your brother told you that this man paid Adams \$100 to put him on the roll? A Yes; then I found out that this was by Sam Ford- I knew his name is Tommie Johnson; I know he aint no Creek at all; he aint no colored freedman- he is just a colored man.
Q Did the Creek people recognize him as a citizen? A They never knew him.
Q Do you know how long he has been in the Creek country? A I think its about 4 years ago.
Q Do you know where he is from? A Yes; Kentucky; he brought his family; he was sent off to the pen- the man called Tommie Johnson.
Q He is not living here now? A No sir; his wife went back to Kentucky and Sam Ford or Tommie Johnson was sent off to the pen; he was a nephew of Thomas Gladen- there's lots of people knows him; he has tried to get a right for his family and can't get it.
Q Is it a matter of general belief among the Creek people up there where he lived that he paid Tom Adams to get his name on the rolls? A I don't know whether the Indians up there knows it but my brother up there in the neighborhood knows it.
Q What town do you belong to? A Oagufke.
Q Where was this man, Sam Ford, living when you first knew him? A I saw him when he first came up there to Bristow from Kentucky.
Q Did he claim to be a Creek citizen then? A I don't know a thing, only I heard he filed; I thought he was coming here to get a lease.
Q Did you become acquainted with him soon after he came from Kentucky? A Yes sir, when he first came.
Q What name did he call himself then? A Tommie Johnson; that was his name back there in Kentucky.

Q Do you know Mollie Grayson? A No sir.

Q Did this man, Sam Ford, have any family when he came here? A Yes sir, a wife and one or two children.

Q Do you know the names of the children? A No sir.

(The name of Mollie Grayson, Sam Ford and Lamb Ford appear upon Creek Indian card Field No. 3189, in jacket in vault.

An affidavit executed by Sam Ford is in said jacket and it appears therefrom that Mollie Grayson died prior to April 1, 1899, and that she was the mother of Sam Ford. It appears from the card that Lamb Ford is also a son of Mollie Grayson, and from a notation thereon said Lamb Ford is not in the Creek Nation and has not been heard from in 4 or 5 years; the date of the notation is not given.)

~~REDACTED~~

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case April 26, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 27th day of April, 1904.

Charles H. Saegert
Notary Public,

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
GREEK LAND OFFICE.

....
Muskogee, Indian Territory. March 7, 1906.
....

In the matter of the alleged fraudulent selection of an allotment in the Creek Nation by one Tommie Johnson under the name of Sam Ford, Creek Indian Roll No. 8417.

APPEARANCES:

Henry Bruner, Complainant, represented by DeGraffenreid
and Soraggs.
Sam Ford, alias Tommie Johnson, represented by Johnson
& Butts.

.....
Testimony continued from February 21, 1906.
.....

Thomas Slayton, being first duly sworn, testified as follows:

DIRECT EXAMINATION:

By Mr. DeGraffenreid:

- Q. What is your name? A. Thomas Slayton.
Q. What is your age? A. 44, I suppose.
Q. What is your postoffice address? A. Depew, Indian Territory.
Q. Are you a citizen of the Indian Territory or United States?
A. United States.
Q. Where are you from to this country? A. My native home is Kentucky.
Q. How long have you lived in this country? A. Eight years past in November.
Q. Do you know a man by the name of Johnson - I believe his name is Tommie Johnson? A. Yes, sir.
Q. How long have you known him? A. I know one Tommie Johnson ever since he was born.
Q. Where is that Tommie Johnson now? A. He was sentenced to the penitentiary at Fort Leavenworth.
Q. For what length of time? A. During life.
Q. Where was he sent from? A. Muskogee.
Q. Where was he living at the time he was arrested charged with this crime? A. Living about four miles northwest of Depew.
Q. Where did he come from to this country? A. Kentucky.
Q. Do you know whether or not he went under another name after he came to this country? Whether he assumed another name, I might put it? A. Well, he said he did.
Q. What was it? A. Ford.
Q. What was the first name? A. Sam.
Q. Sam Ford? A. Yes, sir.
Q. Do you know whether this man Sam Ford or Johnson, who claimed to be Sam Ford, appeared before the Dawes Commission at any time to file on land? A. Not of my knowing, only by what he said.

Mr. Butts: Object to what witness telling what Sam Ford said.
Objection noted.

- Q. What did Ford or Johnson tell you? When and where was it?
A. When he was first speaking about it he went from home up to Okmulgee at the time the Council met there, I think it was in the fall of 1901. Sometime in October he went up there to register.
- Q. Did you go with him? A. No, sir, I didn't go with him - I was up there.
- Q. Were you in Okmulgee at that time when he was there? A. Yes, sir I was there.
- Q. Now, tell whether you had any conversation with him in regard to citizenship matters? A. No, more than he spoke to me; he said he had a chance there to register in the Commissioner's Office under some name that was missing or dead.
- Q. Did he tell you what that name was? A. Sam Ford.
- Q. Well, is that all he said to you? Said he registered as what?
A. As Sam Ford.
- Q. State whether or not he mentioned any names as to who assisted him in doing that? A. He called some name but I don't recollect now what the name was; who they was.
- Q. Did he mention any officer? A. He said town king.
- Q. Town king? A. Some town king.
- Q. Now is the man that you saw in Okmulgee who made the statement to you that he had registered as Sam Ford, is he the same man that you knew in Kentucky as Tommie Johnson? A. Yes, sir, he was the same man.
- Q. Is he the same man that was convicted and sent to the penitentiary as Tommie Johnson, for murder? A. Yes, sir.
- Q. Do you know about what age man he was? A. He was born in 1872.
- Q. 1872. Where? A. In Kentucky.
- Q. State whether or not you are any relative of Tommie Johnson?
A. He is my half-brother's child.
- Q. Have you known him since infancy? A. Yes, sir.
- Q. When did Tommie Johnson first come to the Territory? A. He come here in the fall - about Christmas 1898.
- Q. After he left Okmulgee, did you ever hear him say anything else about being Sam Ford? A. I would just hear him speak about it every once in a while that he had registered as Sam Ford; went by the name of Tommie Johnson all the time.
- Q. At the time that he went to Okmulgee to register, who owned the improvements on the piece of land that he filed on? A. My wife owned held the improvements at that time for her children.
- Q. Was your wife an applicant for citizenship? A. Yes, sir.
- Q. How did he get the improvements? A. Set aside by the Commission.
- Q. Now how came Tommie Johnson to file on that particular piece of land, do you know? A. No, sir.
- Q. Did he get the improvements or have any understanding with you about it? A. No, sir.
- Q. Did he ever mention the fact of filing on this piece of land to you? A. Not till after it was filed on. He said he had filed on the 80 - W2 of that quarter land that was set apart to one of the boys.
- Q. Is that all he said? A. Yes, sir.
- Q. Did he consult with you about it before hand, or your family?
A. No, sir.
- Q. Was there anyone else filed except Tommie himself? Any of his children? A. No, sir.
- Q. Now, do you know that the man who told you that he had filed on this piece of land as Sam Ford, do you know that that man was Tommie Johnson, a native of Kentucky? A. Yes, sir, I know that.
- Q. How far did you live from him here in the Territory? A. Just about half a mile.
- Q. How far did you live from him in Kentucky before he came here?

- A. Part of the time I was living there with him. At the time he came to this country I lived four miles from where he lived.
- Q. Did you know him well? A. Yes, sir, we was raised up together.
- Q. Please state about what color man he was? A. Well, he wasn't white and he wasn't black.
- Q. How would he compare to your color? A. Lighter than I am.
- Q. Was he a mulatto? A. Yes, sir.

CROSS EXAMINATION.

By Mr. Butts:

- Q. Who was this man Tommie Johnson's father? A. This Tommie Johnson was my half-brother's son.
- Q. He was your half-brother's son? A. Yes, sir.
- Q. What was your half-brother's son's name? A. Tommie Johnson.
- Q. Was he a colored man? A. Yes, sir, he was of that descent.
- Q. He was a colored man? A. Yes, sir.
- Q. Who was Tommie Johnson's mother? A. You want her name?
- Q. Yes, sir. A. Clara Ann.
- Q. Was she a colored lady? A. Yes, sir.
- Q. This man that you say is Tommie Johnson's father and this woman were husband and wife? A. Yes, sir.
- Q. Living together before the birth of this man, Tommie Johnson?
- A. Yes, sir.
- Q. They were both colored people? A. Yes, sir.
- Q. Still you state to the Court that Tommie Johnson is a real light mulatto? A. Yes, sir, he is a real light mulatto.
- Q. Now, please state to the Court how you account for that?
- A. Well, sir, I think, I can. His mother she was a cross breed, as you might call it, and her mother was a mixed breed, and my half-brother a half white.
- Q. Did you state that you were personally acquainted with the people you just named? A. Yes, sir, I was raised right with them.
- Q. You know that these are the ancestors of Tommie Johnson?
- A. Yes, sir.
- Q. How do you know that? A. Well, I couldn't exactly say that I know - - -
- Q. We don't want anything that you can't exactly tell. A. I know that at the time this man Tommie Johnson was born that my brother had his mother as his wife. That is all I knew about it.
- Q. How was that? A. I say at the time that this man Tommie Johnson was born that my half-brother had his mother as his wife.
- Q. They were both colored people? A. Yes, sir. They were both of colored descent.
- Q. About how long ago was it that Tommie Johnson was born? A. He was born in 1872.
- Q. In Kentucky? A. Yes, sir.
- Q. What county? A. Grays County.
- Q. When was you born, Mr. Slayton? A. I was born - my record is guess work. I was born along about the first year of the war.
- Q. About 61? A. About 61, yes, sir.
- Q. Where have you lived since that time? A. I was bred and born in McGracken County, Kentucky, was brought to Grays county, Kentucky, when I was six years old; stayed there up until 1896, raised right there.
- Q. Then where did you go? A. Came from there to the Cherokee Nation.
- Q. How long did you stay there? A. O, I stayed there quite a little bit.

- Q. About how long? A. About two months.
- Q. Then where did you go? A. I came on then to the land of Oklahoma - on the Creek Nation land in Oklahoma.
- Q. That was in the year 1896? A. I came there in 1896; lived in Oklahoma in 1897.
- Q. And then where did you go from Oklahoma? A. I moved across the line into the Creek Nation.
- Q. In '97? A. No, sir, in '98.
- Q. Then you lived there ever since? A. In the Creek Nation, yes, sir.
- Q. Whereabouts do you live in the Creek Nation? A. I live in the northwest district.
- Q. Up by Sapulpa? A. About 34 miles west.
- Q. Was this man Tommie Johnson living with his parents at the time you left Kentucky? A. No, sir, he was living with his grandparents - step-grandfather.
- Q. Was he married at that time? A. No, sir.
- Q. Was he ever married? A. Well, he said he was.
- Q. You don't know? A. No, sir, I don't know; he brought a wife with him out here.
- Q. When was the next time that you saw Tommie Johnson after you left Kentucky? A. Never saw him any more till he come here to this country.
- Q. When was that? A. That was just about Christmas of '98.
- Q. About eight years ago? A. About eight years ago, that is when it was.
- Q. Where did he live after he came to this country? A. He lived up on Little Big Fork, about five miles from the Oklahoma line.
- Q. He lived there at the time this trouble came up? A. Yes, sir.
- Q. What was that trouble? A. Accused of murder.
- Q. Accused of murder? A. Yes, sir.
- Q. Who did he murder? A. Accused of murdering a man by the name of Jim Ellis.
- Q. Who issued that complaint, who caused that complaint to be sworn out? A. I couldn't tell you, I don't know who done it.
- Q. You don't know? A. No, sir.
- Q. Where was you at the time that this killing occurred? A. I was in Stroud, Oklahoma.
- Q. Was the person that was killed up there a man or woman? A. M-m.
- Q. Do you know what that difficulty was that caused the killing? A. No, sir, I don't know anything about the murdering part of the case.
- Q. Did you know the party that Tommie Johnson killed? A. Yes, sir.
- Q. Intimately acquainted with him? A. I had been acquainted with him about two years.
- Q. How long ago was this? A. I think that was in 1903.
- Q. Was you intimately acquainted with the woman that figured in this transaction? A. In which transaction?
- Q. In the transaction that resulted in the killing of this man that Tommie Johnson was sent to the penitentiary for? A. I don't know anything about the transaction.
- Q. Did you ever know Sam Ford? A. Do you - how did you mean that question?
- Q. Just as I asked it; I mean did you ever know Sam Ford? A. No, sir, I never knew him.
- Q. Did you know Mollie Grayson? A. Never seen her.
- Q. Doc Ford? A. I knew a man by the name of Doc Ford.
- Q. You stated a few minutes ago that this man Tommie Johnson went down to Okmulgee and went before the Department of the Dawes Commission there and filed a report in the name of Sam Ford, did you not? A. No, sir, I never said that.
- Q. Was you with Tommie Johnson when he filed at Okmulgee? A. No, sir.

- Q. You don't know whether Tommie Johnson was the party that you know was the man that filed there or not, do you? A. Oh, I couldn't say that I knowed him.
- Q. Were you very intimately acquainted with Tommie Johnson? A. Yes sir.
- Q. Know his hand writing? A. I don't know as I could swear to his hand writing.
- Q. Did you see this man Tommie Johnson after he was arrested? A. Yes, sir.
- Q. Whereabouts? A. Muskogee jail.
- Q. Did you see him after he was convicted? A. Yes, sir.
- Q. Did you see him when the marshal took him to the depot? A. No, sir.
- Q. Then you don't know whether Tommie Johnson is in Fort Leavenworth or whether it is Sam Ford, do you? A. No, sir, I couldn't say he is there.
- Q. You never saw the complaint that Tommie Johnson was arrested under, did you? A. No, sir.
- Q. You wasn't at the trial of the case? A. No, sir.
- Q. So it might have been Sam Ford that was tried here at Muskogee and sent to Fort Leavenworth? A. I couldn't say that.
- Q. Then you don't know anything about the man at Fort Leavenworth whether it is Tommie Johnson or Sam Ford? A. I couldn't say that I know he is there.
- Q. It may be Sam Ford? A. Yes, sir.
- Q. What kind of a looking man is Tommie Johnson? A. Just a common colored man? A. Yes, sir, his face is similar to the face of that gentleman sitting there. (Pointing to Mr. G. D. Rodgers.)
- Q. Nothing peculiar about his appearance? A. No, sir.

By the Commissioner:

- Q. What was this man Tommie Johnson's father's name? A. Vest Johnson.
- Q. His mother's name was what? A. Clara Ann.
- Q. Are these parties living or dead? A. They are living I suppose; they was living a year ago.
- Q. In Kentucky? A. Yes, sir.
- Q. Has Tommie Johnson got any brothers or sisters? A. This one I am speaking about has.
- Q. How many and what are their names? A. His oldest brother's name is Richard; and he's got a sister named Luanna; and got one sister named Alma.
- Q. Where are they living - Kentucky or where? A. Well, they was in Kentucky the last I saw of them.
- Q. What is the name of Tommie Johnson's wife or the woman that purports to be his wife? A. Mary.
- Q. Was she living with him at the time he got into trouble? A. Yes, sir.
- Q. She came out here with him did she? A. Yes, sir.
- Q. How many children has she? A. She had two at that time.
- Q. What was their names? A. Well, sir, I don't know what their names is; they did call them names - some kind of nick names - didn't call them by their names. Don't know what their names was.
- Q. You stated that Tommie Johnson came here along about Christmas 1898? A. Yes, sir.
- Q. That was some time after you had come here? Some time after you left Kentucky? A. Yes, sir. About two years or a little better.
- Q. Did you know Tommie Johnson well from the time of his birth until you left Kentucky? A. Yes, sir. He was raised up by his grandmother and step-grandfather, which raised me, and we was

- raised right together up until I married.
- Q. Did he live in Kentucky all of that time until you left?
- A. Yes, sir, that was his home in Kentucky all the time.
- Q. Did you know of the mother of Tommie Johnson ever having been to the Creek Nation or to Indian Territory? A. No, sir, I don't know whether she was or not.
- Q. Did you ever hear her make any claim to having any Creek blood or Indian Blood? A. Yes, sir.
- Q. You did? A. Yes, sir.
- Q. What Indian blood did she claim to have? A. She didn't know what it was.
- Q. Do you know anything about her ancestors or father or mother?
- A. I know her mother.
- Q. What was her mother's name? A. Emmeline.
- Q. Emmeline what? A. She went by Emmeline Sexton. Master's name.
- Q. Was she a negro. A. Yes, sir.
- Q. Do you know Clara Ann Johnson's father's name? A. No, sir.
- Q. Did she claim her Indian blood through her father or mother?
- A. Through her grandmother.
- Q. Her mother's mother or her father's mother? A. Her mother's mother.
- Q. Was her mother a slave? A. Yes, sir.
- Q. Clara Ann's mother was a slave? A. Yes, sir.
- Q. Whereabouts was she a slave? A. Well, I couldn't tell you. She was free when I saw her.
- Q. Was she living in Kentucky the first you knew of her? A. Yes, sir.
- Q. You said she went by her master's name, did you? A. Yes, sir.
- Q. And that was Sexton? A. Yes, sir.
- Q. Do you know how much Indian blood she claimed to have, Clara Ann? A. No, sir, I don't.
- Q. Was Clara Ann herself a slave? A. Couldn't say whether she was or not.
- Q. Was Tommie Johnson's father a slave? A. Yes, sir.
- Q. In Kentucky? A. Yes, sir, he was a slave in Kentucky.
- Q. He came to this country with Tommie Johnson? A. He come with his wife and another colored fellow that was first cousin to me.
- Q. What was his name? A. George Sexton.
- Q. Anybody else? A. That is all that come here at that time.
- Q. Did they come direct from Kentucky to the neighborhood where you live? A. No, sir, they come to Stroud, Oklahoma first.
- Q. How long did they stay in Oklahoma? A. Didn't stay there very long.
- Q. As much as a year? A. No, sir.
- Q. Just a few months? A. Didn't stay a month; stayed there a week - three or four days. Something like that.
- Q. Then did they go on from there to your neighborhood in the Creek Nation? A. I wasn't living in the Creek Nation at that time. I was living north of Stroud 22 miles.
- Q. Then did you go to the Creek Nation first or did they? A. I come first.
- Q. How long after you came did they follow you? A. A little over three years. I come in November past two years, and they come about Christmas; right about Christmas.
- Q. You stated that he come about Christmas two years after you came?
- A. Yes, sir.
- Q. What year did you come here in? A. I come here in the fall of '96.
- Q. In the fall of '96? A. Yes, sir, November.
- Q. You settled in the Creek Nation in 1896? A. No, sir. I stopped in Oklahoma and I come to the Creek Nation - I stayed in Oklahoma - moved right close to the line, and in 1899 was the first

- year I lived in the Creek Nation.
- Q. My question was, did you come to the Creek Nation before Tommie Johnson and his crowd came to the Creek Nation? A. He came to the Creek Nation together.
- Q. You came from Oklahoma into the Creek Nation together? A. Yes, sir.
- Q. You know a man named Jim Emerson? A. Yes, sir.
- Q. Does he live in your neighborhood? A. Yes, sir.
- Q. Where is he from? A. From Kentucky.
- Q. Do you know Bill Emerson? A. Yes, sir.
- Q. Does he live in your neighborhood? A. Yes, sir.
- Q. Is he also from Kentucky? A. Yes, sir.
- Q. When did they come out here? A. Jim Emerson came - he has been here something about five years. Bill has been out here four years.
- Q. They came after Tommie Johnson? A. Yes, sir.
- Q. Are they state negroes? A. Yes, sir.
- Q. When was the first time you ever heard Tommie Johnson call himself Sam Ford? A. That was after that he was at Okmulgee.
- Q. Did you ever hear him make any mention of that name in Kentucky? A. Of him being Sam Ford?
- Q. Yes, sir. A. No, sir.
- Q. Were you present in Okmulgee at the time he was there? A. Just in Okmulgee?
- Q. Yes, sir. A. Yes, sir, I was there.
- Q. When the Commission was there? A. Yes, sir.
- Q. Did you go with Tommie Johnson when he appeared before the Commission? A. No, sir.
- Q. Did he tell you he had appeared before the Commission?
- A. He said afterwards that he had been before the Commission?
- Q. While you were still in Okmulgee or after you returned home?
- Q. While I was in Okmulgee.
- Q. He told you that he had been before the Commission? A. Yes, sir.
- Q. What did he say he had done at that time? A. Said he had registered or something like that - don't recollect - but he had been before them.
- Q. Did he tell you what he claimed to be? A. He called that name.
- Q. Did he say he had registered as Sam Ford? A. Yes, sir.
- Q. Did you ever hear him before that time claim to be a Creek Indian?
- A. Yes, sir, I have heard him say that he had Indian blood in him.
- Q. My question was, did you ever hear him claim to be a Creek Indian before that time? A. No, sir.
- Q. Did you ever know of Tommie Johnson or his mother obtaining any money from any Indian tribe in the way of a payment or annuity?
- A. No, sir.
- Q. Were you in Kentucky in 1895? A. Yes, sir.
- Q. Was Tommie Johnson in Kentucky in 1895? A. Yes, sir.
- Q. Was his mother Clara Ann in Kentucky at that time? A. Yes, sir.
- Q. Were you living together or near each other at that time?
- A. Living or near?
- Q. Were you living together at that time? A. No, sir.
- Q. Were you living near each other? A. Yes, sir.
- Q. How near? A. Four miles.
- Q. Did you ever hear at that time of Tommie Johnson getting any money from the Indian Territory - from an Indian tribe? A. No, sir, I never did.
- Q. Did you ever hear him make any claim at that time that he was entitled to money as an Indian? A. No, sir.
- Q. Did Tommie Johnson, after you were at Okmulgee in 1901, state to you why he had claimed to be Sam Ford? A. Yes, sir, he spoke something about it, that he would get a right.
- Q. Did he make any other statement about it? A. No, sir.

- Q. Did you ask him anything about why he had registered in that name? A. Yes, sir, I spoke to him about it and he said that someone's name that was dead of gone off somewhere.
- Q. You are sure that he made that statement to you at that time, are you? A. Yes, sir.
- Q. Did he state how he had found that out? A. Said through some of the team kings or something like that.
- Q. Did he give you any names? A. If he did, I don't recollect.
- Q. Did he claim that he had paid any money to anybody? A. No, sir, didn't say that he had paid any money.
- Q. After he was at Okmulgee, did he go under the name of Tommie Johnson or Sam Ford? A. He went there with me as Tommie Johnson.
- Q. He went to Okmulgee with you as Tommie Johnson? A. There at home he was called Tommie Johnson.
- Q. Even after he had been to Okmulgee? A. Yes, sir.
- Q. Did the people in the neighborhood call him Tommie Johnson or Sam Ford? A. Tommie Johnson.

RE-DIRECT EXAMINATION.

By Mr. DeGraffenreid:

- Q. Do you know what became of Johnson's wife and children after he got into this trouble? A. They went back to Kentucky.
- Q. To their old home? A. Yes, sir.
- Q. The family have left the Creek Nation have they? A. Yes, sir.
- Q. Now, asked you about 1895; do you know where Tommie Johnson was in 1891 or '92? A. In '92?
- Q. Yes, sir, '91 or '92. A. He was in Kentucky.
- Q. Do you know of his having drawn any money from the Creek Indian or any other Indian tribe in '91 or '92? A. No, sir.
- Q. Now, after he had been to Okmulgee, state whether he claimed to be the owner of this land that you had these improvements on?
- A. Yes, sir, he claimed it.
- Q. Claimed that it was his land? A. Yes, sir.

RE-CROSS EXAMINATION.

By Mr. Butts:

- Q. You stated that you went down to Okmulgee with Sam Ford in 1901 in the fall - in October? A. Didn't say that we went together; said that we was there.
- Q. He was there at that time? A. Yes, sir, in the fall.
- Q. In 1901? A. Yes, sir, that is when it was, in the fall of 1901.
- Q. You say Tommie Johnson claimed to be part Indian, did you?
- A. Claimed to have Indian blood in him.
- Q. You was in the state of Kentucky during the payment of '94?
- A. Yes, sir.
- Q. You don't know whether Sam Ford drew any money from the Creek government in '94 or not? A. No, sir, I don't know anything about that.
- Q. You never knew Sam Ford? A. No, sir.

By the Commissioner:

- Q. Did you know that this man Tommie Johnson of whom you have been testifying, was arrested, tried and convicted of felony? A. Yes, sir.

- Q. You saw that man in the United States jail at Muskogee, you stated, did you? A. Yes, sir.
- Q. That man who was in the United States jail at Muskogee charged with felony is the man of whom you have been testifying, is he?
- A. Yes, sir.

RE-RE-CROSS EXAMINATION.

By Mr. Butts:

- Q. You are very intimately acquainted with Tommie Johnson, are you?
- A. Yes, sir.
- Q. Does he speak the Creek language? A. No, sir.
- Q. The man that you have reference to cannot speak the Creek language, that went to Fort Leavenworth? A. Don't know a word of the Creek language.
- Q. What was the names of those two Emersons that you say came from Kentucky? A. Jim Emerson and Bill Emerson.
- Q. How long have you known Bill Emerson and Jim Emerson? A. About 30 years.
- Q. They lived in Kentucky all the time that you was in Kentucky?
- A. Jim Emerson has.
- Q. Where was Bill part of that time? A. He was about in first one place then another.
- Q. His home in Kentucky? A. Yes, sir, that was his home.
- Q. They lived there when you left and came to Oklahoma? A. Yes, sir, they was there when I left.
- Q. How far did they live from you? A. 12 miles.
- Q. When did you say they came to the Creek Nation? A. I don't know just exactly; Jim has been here about five years.
- Q. When did you first see Bill here in the Creek Nation? A. About four years ago.

WITNESS EXCUSED.

Bill Emerson, being first duly sworn testifies as follows:

DIRECT EXAMINATION.

By Mr. DeGraffenreid:

- Q. What is your name? A. Bill Emerson.
- Q. How old are you? A. I don't know just exactly; I think along about 48.
- Q. What is your postoffice address? A. Stroud, Oklahoma.
- Q. How long have you been in Oklahoma---in the Creek Nation?
- A. About four years - three or four months over.
- Q. Where did you come from to the Creek Nation? A. Kentucky.
- Q. What county in Kentucky? A. Grays.
- Q. Did you know this man Slayton that just left the stand? A. Yes, sir.
- Q. Did you know a man by the name of Tommie Johnson in Kentucky?
- A. Yes, sir.
- Q. Did you ever see him in the Creek Nation? A. Yes, sir.
- Q. Was he in the Creek Nation when you came from Kentucky? A. Yes, sir.
- Q. Is he the same Tommie Johnson that you knew in the state of Kentucky in Grays county? A. Yes, sir.

- Q. Do you know who his mother was - what her name was? A. Clara Ann.
- Q. Do you know the name of his father? A. Vess Johnson.
- Q. Where did they live? A. Grays County.
- Q. Kentucky? A. Yes, sir.
- Q. How long have you known this man, Tommie Johnson? A. I know Tom ever since he was Tom.
- Q. How far were you from him in the state of Kentucky? A. About five miles - four or five miles.
- Q. Was he a married man? A. Yes, sir, married just before he came out here.
- Q. Who was his wife? A. Mary Clark.
- Q. Was she a Kentucky woman? A. Yes, sir.
- Q. Did he bring that wife here to the Territory with him? A. Yes, sir.
- Q. Did that same man get into any trouble here in the Creek Nation? A. Yes, sir.
- Q. What happened to him? A. Killed Jim Ellis, I suppose.
- Q. Was he tried for murder? A. Yes, sir.
- Q. What became of him? A. Sent him to the pen.
- Q. Is that the same Tommie Johnson that was convicted of that murder, that you knew in the state of Kentucky? A. Yes, sir.
- Q. You knew him well? A. Yes, sir, I knew him well.
- Q. Did you ever hear Tommie Johnson say anything about being Sam Ford? A. I heard a little talk about it.
- Q. Tell this man here just exactly what he said? A. Well, he told me that he had worked up a little riot here someway or other. Told me that he went by the name of Ford.
- Q. Did he say anything to you about filing on land? A. Yes, sir, he talked a little about filing on land. He told me that he had filed on some land up about Cimarron, and he went by the name of Ford - Sam Ford. I never got to talk with him many minutes. Not very long before that that he got into this trouble.
- Q. Is that the only time you ever talked to him? A. Yes, sir.
- Q. Did you ever hear of his being Sam Ford after that? A. Yes, sir I have heard of it since he has been gone.
- Q. That he claimed to be Sam Ford? A. Yes, sir.
- Q. Now, do you know that this man that talked to you and said he had filed on this land is that the same man that you knew as Tommie Johnson in the state of Kentucky? A. Yes, sir, that is the same man.

CROSS EXAMINATION.

By Mr. Butts:

- Mr. Emerson, when did you come from Kentucky to the Territory? A. About four years. I come from there last August four years ago.
- Q. Did you ever know a man by the name of Sam Ford, Creek Indian? A. No, sir.
- Q. Never did? A. No, sir.
- Q. You never knew Mollie Grayson? A. No, sir.
- Q. Never knew Doc Ford? A. No, sir.
- Q. Did you know this man Tommie Johnson? A. Yes, sir, I knew him.
- Q. Was you with Tommie Johnson over at Okmulgee when he was enrolled as a Creek citizen by the name of Sam Ford? A. No, sir.
- Q. You don't know whether he was enrolled as a Creek citizen by the name of Sam Ford? A. No, sir, I know only what he was telling me.
- Q. When did this man Tommie Johnson get into this trouble about killing this man out here? A. This Ellis?
- Q. Yes, sir. A. I don't know exactly how long it has been since

I came to the Territory.

- Q. Did you see Tommie Johnson after the killing of Ellis?
 A. Yes, sir.
 Q. Did you see him here in Mankogee? A. No, sir.
 Q. You never saw him after he was arrested? A. Yes, sir, I saw him after he was arrested. Once he was arrested and he got away. I saw him after he got away.
 Q. Did you see him after he was arrested the second time? A. No, sir.
 Q. You don't know whether this man who was arrested the second time, who purported to be Tommie Johnson, was Tommie Johnson or not, do you? A. No, sir.
 Q. You don't know anything about the man in Fort Leavenworth at all?
 A. No, sir, I don't know that he is there.
 Q. What kind of a looking man is this Tommie Johnson? A. Well, he is a kind of a slim man. Bright complected man.
 Q. Did you testify in your direct examination that you knew Tommie Johnson's mother? A. Yes, sir.
 Q. His father? A. Yes, sir.
 Q. Was they both colored people? A. Yes, sir.
 Q. Were they mixed breeds of any kind? A. They was mulattoes.
 Q. Both of them? A. Yes, sir.
 Q. Can you describe this man Tommie Johnson, do you know anything peculiar about him at all? A. Just a common everyday colored man.
 Q. No marks on him at all? A. Not as I know.
 Q. Nothing to cause you to remember him at all? A. No, sir.

RE-DIRECT EXAMINATION.

By Mr. DeGruytenreid:

- Q. You have known him all his life? A. Yes, sir.
 Q. Do you know that the same Tommie Johnson that you knew in Kentucky and that came here to the Indian Territory, is the same man that was arrested charged with murder up there near Bristow?
 A. Yes, sir, he was the same man.
 Q. You have no interest in this matter, have you? A. Nothing at all.
 A. Where is Tommie Johnson's family now? A. In Kentucky.
 Q. They left here after the conviction? A. Yes, sir.
 Q. Went back to their old home? A. Yes, sir.

RE-CROSS EXAMINATION.

By Mr. Butts:

- Q. This Tommie Johnson that you know is a married man? A. Yes, sir.
 Q. He came from Kentucky? A. Yes, sir.
 Q. He had children? A. Yes, sir.
 Q. How many? A. Two.

ADJOURNED TO ONE O'CLOCK.

Testimony continued at one fifteen o'clock.

By the Commissioner:

- Q. What is your full name? A. William Emerson.
 Q. Got any middle name? A. William Turner Emerson.
 Q. W. T. is the way you sign your name is it? A. Yes, sir.

- Q. You are well acquainted with this Tommie Johnson? A. Yes, sir.
- Q. When did you have this conversation with Tommie Johnson about him taking an allotment? A. It was just before - well, we didn't have much to say about it - it was just before he got arrested for killing Jim Ellis.
- Q. Did you ever know anyone named Sam Ford? A. No, sir.
- Q. Did you ever hear of anyone named that? A. No, sir, not until he was telling me what-
- Q. What was it that he told you about the name of Sam Ford? A. Well, he told me a little something about him filing on some land by the name of Sam Ford.
- Q. Going by that name now? A. We never talked much about it.
- Q. Did he say that he had known Sam Ford? A. No, sir, he never said that.
- Q. Did he tell you who Sam Ford was? A. No, sir.
- Q. Did you ask him anything about why he used that name? A. No, sir, never asked him any questions.
- Q. Weren't you rather surprised that he took a new name? A. Well, I am a little surprised, but it wasn't any of my business.
- Q. Didn't ask him anything about it? A. No, sir, I didn't ask him anything about it.
- Q. Has Tommie Johnson got any distinguishing feature about his face? A. Not, that I know of.
- Q. Is there anything about his personal appearance that would cause a person to recognize him after seeing him once? A. No, sir, not that I know of.
- Q. Do you write - sign your name? A. Yes, sir.
- Q. Is that your signature? (Presenting affidavit filed in the matter of the re-opening of this case.) A. Yes, sir.
- Q. You signed this affidavit did you? A. Yes, sir, that is my name up there at the top.
- Q. You were sworn to that affidavit? A. Yes, sir.
- Q. Did you read it over before you signed it? A. No, sir, never read it.
- Q. Was it read to you? A. I don't know whether it was or not.
- Q. You don't ordinarily swear to things until you know what they are? A. Sometimes. I don't know anything about this.
- Q. Who had you do this? A. A man by the name of Vann, I think; a notary public in Muskogee.
- Q. Who had you go before him? A. Bruner.
- Q. What is his first name? A. Dick. Dick Bruner; he is the one that called me up and had me go before - -
- Q. This affidavit is as follows: - "Jim Emerson and W. T. Emerson, being duly sworn, say they knew personally Sam Ford in whose favor deeds Nos. 15102 and 15103 were drawn, and that said Sam Ford has been dead for some years, and was not entitled under the law to an allotment, having died prior to April 1st, 1899; affiants further swear that they also know Tommie Johnson who falsely and fraudulently took to himself and assumed the name of the said Sam Ford, and by such false and fraudulent methods, did secure to himself an allotment as designated by said number of deeds." Do you remember of having that read to you? A. Yes, sir.
- Q. You swore to that? A. Yes, sir, to Tommie Johnson but not Sam Ford.
- Q. This affidavit also says that you knew Sam Ford? A. No, sir, Well, they told me that he went by the same name; I knew Tommie Johnson all right.

Mr. Butts: Object to what he was told.

- Q. Did you know that Sam Ford died before April 1st, 1899?
- A. No, sir, I don't know anything about it.

- Q. You don't even know that any such person ever lived? A. No, sir, I don't.
- Q. How did it happen then that you swore to this affidavit?
- A. Because they told me that they both went by the same name. I knew Tommie Johnson.
- Q. All that I read to you is over your signature here. Are you satisfied that you never knew a person named Sam Ford? A. I know I never knew any person named Sam Ford.
- Q. Didn't you know at the time you signed this affidavit that it said that you knew Sam Ford during his lifetime, and that he has been dead for a number of years? A. No, sir.
- Q. Have you ever heard from Tommie Johnson since he was sent to the penitentiary? A. Yes, sir, through letters; I heard a few letters read from him.
- Q. Have you gotten any letters from him? A. No, sir, I never got any letters from him.

RE-RE-CROSS EXAMINATION.

By Mr. Butts:

- Q. Did you ever know a man by the name of Doc Ford? A. No, sir.
- Q. You never knew anyone in Kentucky by the name of Doc Ford?
- A. No, sir, I never did.
- Q. Now, where did you state that you first knew this man, Tommie Johnson? A. It was in Kentucky where I first knew him at.
- Q. At his father's? A. Yes, sir.
- Q. Whereabouts in Kentucky? A. In Gray's County.
- Q. Near what town? A. Mayfield.
- Q. Close to Mayfield? A. Four or five miles from Mayfield.
- Q. Tommie Johnson lived there at his father's? A. Yes, sir, he lived with his grandfather, step-grandfather.
- Q. What was his name? A. Dick Slayton.
- Q. How old was Tommie Johnson when you first became acquainted with him? A. He was a little babe then.
- Q. You have known him then since he was a babe? A. Yes, sir.
- Q. Would you be positive that he didn't come to Kentucky when he was 14 or 15 years old? A. He was born in Kentucky.
- Q. Then it isn't probable that you would be mistaken? A. No, sir, I am not mistaken about that.
- Q. If Sam Ford, the man that is now at Fort Leavenworth came to Kentucky when he was a man, a grown man, the Tommie Johnson that you have reference to is not Sam Ford at all, is he?
- A. No, sir, I don't know anything about Sam Ford; I do know Tommie Johnson.
- Q. You was well acquainted at Mayfield? A. Yes, sir.
- Q. Do you know anything about this killing of Jim Ellis?
- A. No, sir, I don't know anything about it.
- Q. Did you know Jim Ellis in his lifetime? A. Yes, sir.
- Q. Did you know his wife? A. Yes, sir.
- Q. What was her name? A. Why, her name was Hannah; I think that was what they called her.
- Q. How far did you live from the Ford family and this Jim Ellis at the time this trouble occurred? A. I lived about two and a half or three miles.
- Q. Do you know anything about the circumstances? A. No, sir, I don't know.
- Q. Not a thing? A. No, sir.
- Q. You wasn't a witness in the trial of this case? A. No, sir.
- Q. Do you know anything about the case that was tried at Bristow?
- A. No, sir, I don't know.

- Q. You know Doc Ford? A. No, sir, I don't know.
 Q. You stated that this is your affidavit? A. Said that is my writing.
 Q. You appeared before a notary public and signed it? A. Yes, sir.

WITNESS EXCUSED.

Jim Emerson, being first duly sworn, testifies as follows :

DIRECT EXAMINATION.

By Mr. DeGraffenreid:

- Q. What is your name? A. Jim Emerson.
 Q. Are you a brother of the Emerson just on the stand? A. Yes, sir.
 Q. How old are you? A. I am 54 years old.
 Q. What is your postoffice? A. Stroud, Oklahoma.
 Q. Do you live in the Creek Nation? A. Yes, sir.
 Q. How long have you lived in the Creek Nation? A. About five years.
 Q. Where did you come from to the Creek Nation? A. Kentucky.
 Q. Old Kentucky? A. Yes, sir.
 Q. What county? A. Grays County.
 Q. Did you know Slayton and Bill Emerson in Kentucky before you came here? A. Yes, sir.
 Q. Did you know a man in Kentucky by the name of Tommie Johnson?
 A. Yes, sir.
 Q. Did you ever see that man in the Creek Nation? A. Yes, sir.
 Q. How long had you known him in Grays County, Kentucky? A. Well, I don't know exactly how long.
 Q. Had you known him all his life? A. Yes, sir, I know him since he was quite a child.
 Q. How far did you live from him in his boyhood days? A. Well, I lived about - right close to him - about one mile five years. Then he moved away from home about 10 miles.
 Q. Did you know him as soon as you saw him here in the Creek Nation?
 A. Yes, sir.
 Q. Who came here with him from Kentucky? A. Fellow named George Sexton. Started from there with him; suppose he come here.
 Q. Was Johnson a married or unmarried man? A. He is a married man.
 Q. Did he have any children? A. Yes, sir.
 Q. How many? A. One I think.
 Q. You are certain about that? A. No, sir, I think it is one.
 Q. Where is Tommie Johnson now? A. I don't know sir. I heard he went to the pen; guess that is where he is.

Mr. Butts: Object to what he guesses about.
 Objection noted.

- Q. Is he the same Tommie Johnson that is charged for murder of a man by the name of Ellis? A. Yes, sir.
 Q. Now, is he the same man Tommie Johnson that you knew in the state of Kentucky? A. Yes, sir.
 Q. Where is Johnson's wife and children now? A. Back in Kentucky, went back there.
 Q. When did they go there? A. I can't tell.
 Q. Was it after or before his trial? A. It was after.
 Q. Did you know the mother and father of Tommie Johnson? A. Yes, at
 Q. What was their names? A. His father's name is Voss and his mother's is Emeline; I guess that's it; his father's name is Voss, I know. Can't think of her name.

- Q. Do you know anything of his claiming to be Sam Ford out here in the Creek Nation? A. No, sir.
 Q. Don't know anything about it? A. No, sir.
 Q. Did you ever hear anything in the neighborhood about his claiming to be Sam Ford? A. No, sir, I never heard anything about it.

CROSS EXAMINATION.

By Mr. Butts:

- Q. Jim, was you ever arrested? A. No, sir.
 Q. Never was arrested? A. No, sir.
 Q. How old a man are you? A. 54.
 Q. How long have you known Tommie Johnson? A. Well, I don't know just exactly; known him ever since he was a child.
 Q. Five or six years old? A. Yes, sir. Along down in there somewhere.
 Q. That is the Tommie Johnson that came west that you met here in the Creek Nation? A. Yes, sir.
 Q. When did he come west? A. Well, I don't know what time it was when he come; he come here before I did.
 Q. Do you know whether he has got any Indian blood in him or not? A. No, sir, I don't.
 Q. Do you know whether he talks the Creek language or not? A. No, sir, never did hear him talk it.
 Q. You don't know whether he does or not? A. No, sir.
 Q. Did you ever see the man after he was arrested for the killing of Jim Ellis? A. No, sir.
 Q. You have never seen him since that time? A. No, sir.
 Q. You don't know that he is the same man that is up at Fort Leavenworth? A. No, sir;; I can just tell you what I heard about it.
 Q. How large a man is this Tommie Johnson? A. Well, I suppose he would weigh about 150.
 Q. About how old is he? A. Well, I don't know.
 Q. Well, about how old? A. He is 30, along there.
 Q. Is he light complected man or is he dark, curly headed? A. He is light complected.
 Q. How about his hair? A. Well, is it - I can hardly tell you - it isn't curly and it isn't straight.
 Q. You don't know him well enough to know anything about his hair? A. Never paid any attention to it.
 Q. You are not a close observer then.

By the Commissioner:

- Q. Can you sign your name? A. No, sir.
 Q. Did you ever know Sam Ford? A. No, sir.
 Q. Did you ever hear of him? A. No, sir. Only what I hear right now.
 Q. Did you ever hear this Tommie Johnson called Sam Ford? A. No, sir, I never hear him called that.
 Q. Did you ever hear him say anything about Sam Ford? A. No, sir, never said nothing to me about it.

WITNESS EXCUSED.

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Bill Emerson, being recalled, testifies as follows:

By Mr. Butts:

- Q. Your name is Jim Emerson? A. No, sir, my name is Bill Emerson.
 Q. Do you know whether this man Tommie Johnson could talk the Indian language or not? A. No, sir, I don't; I never did hear him talk it.
 Q. Have you ever been arrested? A. Yes, sir.
 Q. How many times? A. Two, I believe.
 Q. Since you have been to this country? A. No, sir, I was in Kentucky.
 Q. What was you arrested for? A. Fighting.
 Q. Both times? A. Yes, sir.
 Q. Convicted? A. No, sir, was convicted once.
 Q. You was convicted one time? A. Yes, sir.
 Q. Two times was the only times you was arrested? A. yes, sir; I don't think I was arrested more.
 Q. Now, this affidavit - was your brother Jim present at the you signed this? A. No, sir.
 Q. What was the notary public's name that took this acknowledgement of yours? A. Billie Vann, I believe that's his name.
 Q. Do you know this man, T. W. Tiner? A. No, sir, I don't know him.

WITNESS EXCUSED.

Jim Emerson, being recalled, testifies as follows:

By Mr. Butts:

- Q. Jim, do you know this man, T. W. Tiner? A. No, sir.
 Q. Did you ever go before any man upon the 12th day of August, A.D. 1904, and make an affidavit that you knew Sam Ford or Tommie Johnson? A. No, sir.
 Q. You stated that you didn't know Sam Ford, did you? A. Yes, sir. I don't know him.

WITNESS EXCUSED.

Thomas Slayton, being recalled, testifies as follows.

By Mr. Butts:

- Q. Your name is Tom Slayton? A. Yes, sir.
 Q. I believe you stated in you examination this morning that you knew a man by the name of Doc Ford? A. Yes, sir, I did.
 Q. Do you know where Doc Ford is now? A. No, sir, I couldn't tell you where he is now.
 Q. Whereabouts was this man Doc Ford when you knew him? A. He was in Kentucky when I knew him.
 Q. What place in Kentucky? A. He was living in Galloway county the last I saw of him.
 Q. What town in Kentucky was it that you lived close to?
 A. Mayfield.
 Q. Did you ever see Doc Ford at Mayfield? A. Lots of times.
 Q. Did Doc Ford ever live with this family of Johnson's that you say Tommie Johnson was a member of the family? A. No, sir.
 Q. How old a man was this Doc Ford? A. Well, I couldn't tell exactly. When I first got acquainted with him he was about 40.
 Q. Is it not a fact that when Doc Ford came to Kentucky that this

- man Sam Ford or Tommie Johnson came to Kentucky with him and lived with the Johnson family? A. No, sir, not the Johnson I am talking about.
- Q. Do you mean to state to this Commission here at this time that that you have known this Tommie Johnson ever since he was a small boy? A. Yes, sir.
- Q. You are sure you didn't get acquainted with him when he was about 18 or 19 years old? A. No, sir, not the Tommie Johnson I am talking about.
- Q. Do you know it to be a fact that this man Tommie Johnson came to Kentucky with Doc Ford and was adopted in this Johnson family as one of their children? A. No, sir.
- Q. You said this morning that this man Tommie Johnson was part Indian? A. Said that he claimed that he had Indian blood in him.
- Q. Do you know whether he talks Creek language? A. This Tommie Johnson I spoke about don't talk the Creek language.
- Q. Do you know whether there was a man by the name of Sam Ford ever come to the town of Mayfield, Kentucky, and lived with a Johnson family, by the name of Sam Ford? A. No, sir.
- Q. There might have been and you not know anything about it? Isn't that a fact? A. No, sir, there couldn't have been.
- Q. It is impossible for that man to come to Kentucky and live with the Johnson family without you knowing it? A. Yes, sir.
- Q. Mr. Slayton, have you ever been arrested? A. Yes, sir, I have been arrested.
- Q. What for? A. Adultery.
- Q. When was that? A. That was in 1902.
- Q. 1902. That was about the time that this Jim Ellis was killed? A. After that he was killed; I was arrested the 17th of July.
- Q. Is it not a fact that you was arrested on this same charge that Tommie Johnson was arrested on? A. No, sir, I wasn't arrested on that. I was here in Muskogee for adultery; I was arrested for that.
- Q. You was arrested for the charge of adultery with this woman, Hannah Ellis? That is the wife of Jim Ellis who was killed, is it not? A. Yes, sir, that is who it was.
- Q. Do you remember a trial at Bristow where this man Jim Ellis was charged with receiving stolen goods a short time before the killing of this man Jim Ellis? A. I remember the time he was arrested for receiving stolen property.
- Q. Is it not a fact that you and the wife of Jim Ellis, your nephew, and Sam Ford, went down to Bristow and witnessed in that case and caused the man to be released?

Mr. DeGraffenreid: Object to that, don't see any connection on earth that this has with this case. If it has any bearing on it on earth, if he can show me, I will withdraw my objection.

Mr. Butts: I wish to show that the killing of Jim Ellis was a pre-arranged affair between this man and Jim Ellis' wife and Tommie Johnson, and that this man and the wife of Jim Ellis were the cause of Tommie Johnson killing Jim Ellis, and the instigators of the murder of Jim Ellis. That this man and Tommie Johnson were both intimate with this woman.

Mr. DeGraffenreid: If this were true, what effect would that have on this case?

Mr. Butts: I wish to show that this man is prejudiced.

A. No, sir, I went with them there, and my son-in-law that is George Sexton, and my nephew and Tommie Johnson didn't go - didn't have any trial at all; he was arrested - Jim Ellis and my

son-in-law. The Anti-Horse-thieves came out there and my son-in-law was plowing this horse that they claimed was stolen. And they arrested my nephew and Jim Ellis and I and them went down to Bristow, and Jim Ellis' wife.

Q. Now, when you came back from Bristow, is it not a fact that you and the wife of Jim Ellis got together and told Tommie Johnson that he had to kill Jim Ellis? A. No, sir, never spoke a word about that in my life.

Q. Where was this man Jim Ellis killed? A. He was killed in his field.

Q. In his field? A. Yes, sir.

Q. Was you anywheres in the neighborhood at that time? A. I was in Oklahoma.

Q. Was you convicted for the crime of adultery with this woman Hannah Ellis? A. I reckon they called it convicted? I stayed there about three months; I pleaded guilty.

Q. Do you know where this woman, Hannah Ellis, is at the present time? A. No, sir, I don't. I know where she says she is.

Q. You wish to state now that this man Tommie Johnson is your nephew? A. The one that I am speaking about is my nephew.

Q. The one that killed this man Jim Ellis? A. The one that was accused of killing him.

Q. You know the property that Sam Ford filed on? A. Yes, sir.

Q. What is the man's name that lives on that property at the present time? A. He is a man - I suppose he is still there - by the name of Hayes Beaver.

Q. How long has Hayes Beaver lived on that piece of property?

A. About four years.

Q. About four years? A. Yes, sir, just about four years.

Q. Was that before Sam Ford filed on that land or not? A. Yes, sir it was before that he filed on it.

By Mr. DeGraffenreid:

Q. Do you mean to say that it is Sam Ford or Tommie Johnson?

A. It was before this Sam Ford filed on it.

Q. What Sam Ford are you talking about? A. One that claims to be Tommie Johnson.

Q. The one whom you state is your nephew? A. Yes, sir.

Q. How long have you lived up there? A. Where I am at?

Q. Well, up by this place of Sam Ford's? A. Oh, I never lived up there but one year.

Q. You stated this morning in your direct examination that these improvements on that property was your improvements prior to the time that Sam Ford filed on that land? A. It was set apart to my wife's children before he filed on it.

Q. Now, you say this man Hayes Beaver, you say he has been living on the place about four years? A. About four years.

Q. Was the place vacant before Hayes Beaver lived on it? A. No, sir

Q. Who was in control before of that place before Hayes Beaver?

A. Man by the name of Strattler - John Strattler.

The attorneys agree that all evidence introduced in regard to the ownership of the improvements upon the land filed upon by Sam Ford or Tommie Johnson be stricken from the record.

By Mr. Butts:

- Q. Do you know where Doc Ford came to from Kentucky? A. No, sir.
 Q. You don't know whether he brought anyone with him or not?
 A. No, sir.

By DeGraffenreid:

- Q. Was Doc Ford a colored man or white man? A. He was a colored man. Not, black, but was a colored man.
 Q. Claim to be Indian or not? A. Never said anything about Indian to me.
 Q. Do you know where he came from to that country? A. No, sir.
 Q. Don't know a thing about it? A. No, sir.
 Q. Do you ever hear of him in connection with Tommie Johnson? Of them being connected? A. No, sir, never heard anything about it.
 Q. Have you any interest whatever in the result of this case?
 A. Not a bit.
 Q. Not a bit? A. No, sir.
 Q. Was Doc Ford in Kentucky when you lived there? A. I didn't see him.

By Mr. Butts:

- Q. Do you know Mollie Grayson? A. no, sir.
 Q. From your knowledge of Doc Ford, he could be the husband of Mollie Grayson and you not know anything about it? A. No, sir.
 Q. Could have had two children and you not know anything about it?
 A. I wouldn't know anything about it.

WITNESS EXCUSED.

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Continued to April, 2, 1906.

.....

F. Elam Lane on oath states that she reported the proceedings in the above entitled and numbered cause, and that the foregoing is a true and correct transcript of her stenographic notes therein.

(Signed) F. Elma Lane.

Subscribed and sworn to before me this 10th day of March, 1906.

S E A L

(Signed) Myron White
 Notary Public.

Lucy J. Phillips, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

Lucy J. Phillips

Subscribed and sworn to before me this 24th day of May, 1906

W. S. Hawkins
 Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Muskogee, I. T. December 29, 1906.
Creek Land Office.

In the matter of the application of Henry Bruner to select land in the Creek Nation as an allotment for his minor child, Jessie Bruner, whose name appears on new-born Creek Indian roll, opposite No. 1001.

HENRY BRUNER, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A Henry Bruner.
Q What is your postoffice address? A Beggs.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Leona.
Q Is she a citizen of the Creek Nation? A No sir.
Q Have you a minor child by the name of Jessie Bruner? A Yes sir.
Q Is this child now living? A Yes sir.
Q Have you any land on which you wish to file this child? A Yes sir.
Q Where is this land located? A Township 18, Range 7.
Q In what section? A In section 29, and in section 18.
Q Can you locate this land on the map? A I got the number, I guess I can.
(Indicates on plat W/2 of NW/4 of Section 29, and Lot 1 and the NE/4 of NW/4 of Section 18, Township 18 north, Range 7 east.)
Q Have you ever been over and examined this land, with a view to making application for it? A Yes sir.
Q Are there any improvements on this land? A Yes sir.
Q Of what do they consist? A A House, orchards and fence.
Q Who is the owner of these improvements? A I am the owner.
Q How long have they been on this land? A Been on quite a little while, I don't exactly remember.
Q Is there any part of it in cultivation? A Yes sir.
Q About how much? A Well, I don't know exactly about how much there is in cultivation.
Q The land for which you make application was on January 22, 1902, selected by Sam Ford as his allotment in the Creek Nation. The deeds conveying this land to Sam Ford were prepared by this office, executed by the Principal Chief, approved by the Department and recorded in this office. In accordance with Departmental letter of December 18, 1906, the name of Sam Ford has been stricken from the roll of citizens by blood of the Creek Nation. The deeds to his allotment have not been cancelled for the reason that they have been delivered; the deeds have been recorded and title passed and it will be necessary that an order from the proper court directing the cancellation of these deeds be secured. This matter is now in the hands

of the United States Court for the Western District of Indian Territory to obtain an order for the cancellation of these deeds. Do you understand that until these deeds have been cancelled by an order of the proper court, no certificates or deeds can be issued in the name of your child? A Yes sir, that is, there won't be any one to file on this land until then; Will any one else have the right to file on this before the deeds are cancelled?

Q Not as long as you have improvements on it; the applicants would have to swear that they owned the improvements? A Yes sir.

Q You understand that the tentative selection which we receive from you today for your child is to be held up and not made regular until these deeds outstanding in the name of Sam Ford have been cancelled? A Yes sir.

Q You are willing to make application for this land knowing these facts and knowing that your child cannot get the land until these deeds have been cancelled, are you? A Yes sir.

Reference is made to a letter of the Department of December 20, 1906, authorizing the cancellation of the name of Sam Ford where it appears upon the roll of citizens by blood of the Creek Nation and to a letter from the Department dated December 18, 1906, stating that the Attorney General has been requested to take proper steps to secure the vacation of deeds numbered 15102 and 15103, being the deeds heretofore referred to.

Witness excused.

Olga Petroff, a stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the proceedings in the above entitled cause, and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Olga Petroff

Subscribed and sworn to before me this 29th day of December, 1906.

Edward Merriam
Notary Public.

67

Muskogee, Indian Territory, September 14, 1904.

The Honorable

The Secretary of the Interior.

Sir:-

The name of Sam Ford is contained in the partial list of citizens by blood of the Creek Nation, approved March 28, 1902, No. 8417.

September 3, the attorney for the Creek Nation delivered to the Commission, for transmission to the Department, a communication, in the nature of a motion to re-open the case, and an affidavit, executed by W. T. Emerson and Jim Emerson, in which affidavit it is stated that Sam Ford has been dead for some years and was not entitled, under the laws, to an allotment, he having died prior to April 1, 1899, and that one Tom Johnston fraudulently assumed the name of said deceased Sam Ford and secured for himself an allotment in the Creek Nation.

It is recommended that the case be re-opened and that a rehearing be ordered. The communication from the Creek Attorney and affidavit of W. T. Emerson and Jim Emerson are inclosed for Departmental consideration.

Respectfully,

Through the
Commissioner of Indian Affairs.
DOS. 4-14/5.

Chairman.

6M
Muskegee, Indian Territory, September 14, 1904.

E. B. Miller,
Chief Clerk,
Creek Land Office.

Dear Sir:

You are directed to suspend action in the matter of making allotment of lands in the Creek Nation to Sam Ford, whose name appears on the approved Creek Indian Roll, No. 8417, until further advised.

The attorney for the Creek Nation has asked the Department to re-open the case, relative to the enrollment of said Sam Ford, on the ground that he has evidence sufficient to establish the fact that said Sam Ford secured his enrollment and allotment through fraud.

Respectfully,

Chairman.

COPY.

Land

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

64358-1904.

WASHINGTON, September 26, 1904

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated September 14, 1904, transmitting the affidavit of W.T. Emerson and Jim Emerson in which it is stated that Sam Ford, who has been enrolled as No. 8417, Creek approved partial rolls, died some years ago and that he was not therefore under existing law entitled to enrollment or allotment, as he died prior to April 1, 1899, and that one Tom Johnston fraudulently assumed the name of Sam Ford, deceased, and secured for himself an allotment in the Creek Nation.

The affidavit is in the nature of a motion to reopen the case and the Commission recommend that the case be reopened and a rehearing ordered. The office concurs in their recommendation.

Very respectfully,

A.C. Tonner,

GAW:LM.

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

EAF.
LLB.

I.T.D. 8160-1904.

J.P.

Copy.

October 1, 1904.

Commission to the Five Civilized Tribes/
Muskogee, Indian Territory.

Gentlemen:

On September 14, 1904, the Chairman transmitted an affidavit of W. T. Emerson and Jim Emerson, in which it is stated that Sam Ford, enrolled as number 8417 on the Creek Roll, died prior to April 1, 1899, and was therefore not entitled to an allotment in the Creek Nation, and that one Tom Johnston fraudulently assumed the name of the deceased Sam Ford, and secured for himself an allotment in the Creek Nation. You also transmitted the letter of the national attorney for the Creek Nation transmitting said affidavit, and requesting a reopening of the case. The Chairman recommends the case be reopened, and that a rehearing be ordered.

Reporting September 26 the Acting Commissioner concurs in this recommendation.

The case is reopened and you will order a rehearing as recommended.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan.
Acting Secretary.

One inclosure.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

BAP.
LLB.

I.T.D. 2160-1904.

October 1, 1904.

J.P.

Commission to the Five Civilized Tribes/
Muskogee, Indian Territory.

Gentlemen:

On September 14, 1904, the Chairman transmitted an affidavit of W. T. Emerson and Jim Emerson, in which it is stated that Sam Ford, enrolled as number 8417 on the Creek Roll, died prior to April 1, 1899, and was therefore not entitled to an allotment in the Creek Nation, and that one Tom Johnston fraudulently assumed the name of the deceased Sam Ford, and secured for himself an allotment in the Creek Nation. You also transmitted the letter of the national attorney for the Creek Nation transmitting said affidavit, and requesting a reopening of the case. The Chairman recommends the case be reopened, and that a rehearing be ordered.

Reporting September 26 the Acting Commissioner concurs in this recommendation.

The case is reopened and you will order a rehearing as recommended.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan.
Acting Secretary.

One inclosure.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

En. 931.

Muskogee, Indian Territory, July 11, 1905.

Sam Ford (or Tom Johnson),
Bristow, Indian Territory.

Dear Sir:

October 1, 1904, the Department reopened the matter of your right to enrollment as a citizen by blood of the Creek Nation.

You are hereby notified to appear at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, August 4, 1905, with witnesses who are able to identify you as the Sam Ford, whose name appears on the 1895 pay roll of the Creek Nation, Ketchopatake town.

The Creek Nation will be given an opportunity to introduce testimony at the same time and place.

Respectfully,

Register.


Commissioner.

*Sam Ford
Card in Mail box*

Muskogee, Indian Territory, January 18, 1906.

Ambrose Miller,

R. F. D. No. 2,

Yale, Oklahoma.

Dear Sir:

Receipt is acknowledged of your letter of January 10, 1906, in which you state that you know witnesses who can prove that Sam Ford is not a citizen of the Creek Nation. If his case is pending you desire to be notified.

In reply you are advised that this office is investigating the enrollment of said Sam Ford and has given the name of Richmond Bruner, suggested by you, to the Creek Field Party which will probably take testimony in his neighborhood in the near future.

Respectfully,

Commissioner.

(Copy)

YALE, O. T., 1/10, 1906.

Hon Daws Commission

Nuskogee, I. T.

Are you investigating the citizenship of one Sam Ford who is allotted in Township 18, R. 7 East. I have improvements on Sam Ford's allotment and I understand he is no citizen. If you wish to prove he is no citizen get Richmond Bruner & his wife's testimony they can tell you who he is and where he came from they told me that he came from Kentucky and his right name was Tomy Johnson and is now serving a life time sentence for murder of Jim Ellis of Bristow, I. T. If you will kindly inform me when the case comes before you I will be present and see that they swear what they told me they would if ever they were called on to give their testimony in the Sam Ford case. Their post office is Depew, I. T. they live five miles north of that place on Spring Creek. The reason I am so interested I wish to file on the Place if he is no citizen I am a citizen. He is a negro.

Yours Truly,

(signed) AMBROSE MILLER,
Yale, O. T.

R.F.D.#2

Muskogee, Indian Territory, May 22, 1906.

DeGraffenreid & Scruggs,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:-

You are hereby advised that on Monday, May 21st, at 10:30 o'clock, A. M., at the U. S. Penitentiary, Ft. Leavenworth, Kansas, a hearing will be had in the matter of the alleged fraudulent enrollment as a citizen of the Creek Nation of Sam Ford, for the purpose of taking the testimony of the said Sam Ford, alias Tommy Johnson.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, May 22, 1936.

M. L. Nott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on Monday, May 21st, at 10:30 o'clock, A. M., at the U. S. Penitentiary, Ft. Leavenworth, Kansas, a hearing will be had in the matter of the alleged fraudulent enrollment as a citizen of the Creek Nation of Sam Ford, for the purpose of taking the testimony of the said Sam Ford, alias Tommy Johnson.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, May 18, 1900.

Butts & Johnson,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:-

You are hereby advised that on Monday, May 21st, at 10:30 o'clock, A. M., at the U. S. Penitentiary, Ft. Leavenworth, Kansas, a hearing will be had in the matter of the alleged fraudulent enrollment as a citizen of the Creek Nation of Sam Ford, for the purpose of taking the testimony of the said Sam Ford, alias Tommy Johnson.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, May 18, 1904.

Clarence Davis,

Attorney at Law,

Bristow, Indian Territory.

Dear Sir:-

You are hereby advised that on Monday, May 21st, at 10:30 o'clock, A. M., at the U. S. Penitentiary, Ft. Leavenworth, Kansas, a hearing will be had in the matter of the alleged fraudulent enrollment as a citizen of the Creek Nation of Sam Ford, for the purpose of taking the testimony of the said Sam Ford, alias Tommy Johnson.

Respectfully,

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
WASHINGTON

DCM
FHB

I.T.D. 23954-1906.

LRS

Dec. 8, 1906

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

With letter of October 25, 1906, you submitted the papers and testimony relative to the striking from the roll the name of Sam Ford, which appears on the partial roll of citizens by blood of the Creek Nation approved by the Department March 28, 1902, opposite No. 8417. You consider the evidence sufficient to warrant the striking of Sam Ford's name from said partial roll, and so recommend, in which recommendation the Indian Office, in letter of November 26, 1906, concurs.

The Department also concurring in such recommendation, you are authorized to strike the name of Sam Ford from the partial roll. The Indian Office has been requested to take like action in letter of even date.

As suggested by you, the Attorney General has been requested to take steps with a view to the cancellation of deeds Nos. 15102 and 15103, issued to Sam Ford, for lands in the Creek Nation.

Respectfully,

(signed) Theo Ryan

First Assistant Secretary.

DO NOT WRITE IN SPACES TO THE RIGHT OF THIS LINE

No. 931.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 20, 1906.

Clerk in Charge,
Creek Land Office,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that in accordance with Departmental instructions of December 8, 1906, the name of Sam Ford has been stricken from the roll of citizens by blood of the Creek Nation opposite roll number 8417.

Respectfully,

W. O. Beall

Acting Commissioner.

Ex. 932

Muskogee, Indian Territory, December 20, 1906.

Sam Ford (or Tommy Johnson),
United States Penitentiary,
Leavenworth, Kansas.

Dear Sir:

You are hereby advised that in accordance with Departmental instructions of December 8, 1906, the name of Sam Ford has been stricken from the roll of citizens by blood of the Creek Nation opposite Roll number 8417.

Respectfully,

Acting Commissioner.

The foregoing were also notified by ^{carbon}
X letters were not made &
Quin Johnson
J E Hoffman & Cooney &
M L Watt
Clark in charge & Cookland & Co.
" " " Abbeville Court House

Cr. En. 931.

Muskegee, Indian Territory, October 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The records in the possession of this office show that on May 23, 1901, the names of Mollie Grayson and her two sons Sam Ford and Lamb Ford were listed (from information) upon Creek Indian Card Field number 3189 as applicants for enrollment as citizens by blood of the Creek Nation, the ages of said applicants as shown by said card and as of said date being forty, twenty-eight and twenty-six years respectively.

It appears from said card that said applicants are identified on the 1895 authenticated roll of Kechopotaka Town Creek Nation opposite numbers 283, 284 and 285 respectively; that the father of Sam Ford and Lamb Ford was Doc Ford a non-citizen. It further appears that said Mollie Grayson died prior to April 1, 1899, and that her son Lamb Ford was not a resident of the Creek Nation on May 23, 1901 and had not been heard from for four or five years previous to said date.

The records of this office further show that the name

Secretary---2

of Sam Ford is listed upon a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite roll number 8417; that an allotment selection of land in the Creek Nation was made to said Sam Ford on January 22, 1902, and that deeds Nos. 15102 and 15103, prepared to cover said allotment, were on August 26, 1903, duly recorded in the office of the Commission to the Five Civilized Tribes.

Information having reached this office that the Sam Ford to whom said allotment had been made was not the identical person whose name appears on the 1895 authenticated roll of Kechopotaka Town, the testimony of Richard Bruner was taken on April 26, 1904, in the matter of the identification of said Sam Ford.

On September 3, 1904, there was received by this office, addressed to the Secretary of the Interior a communication from M. L. Mott, attorney for the Creek Nation, requesting that said case be reopened, on the strength of certain affidavits received by him showing that said applicant died prior to April 1, 1899. Accompanying said letter was a joint affidavit of W. T. Emerson and Jim Emerson to the effect that Sam Ford died prior to April 1, 1899, and that one Tom Johnston had assumed the name of Sam Ford and under said name had fraudulently

Secretary -----3

secured an allotment.

The Department on October 1, 1904 (I.T.D.8160-1904) concurred in the recommendation of this office under date of September 14, 1904, and directed that said case be reopened and that a rehearing be had in the matter. In accordance with Departmental instructions said case was reopened and the parties in interest were notified that a rehearing would be had in same at the office of the Commissioner in Muskogee, Indian Territory, on August 4, 1905. No appearance was made on said date by or on behalf of the parties in said cause.

On February 21, 1906, there was filed with this office petition of Henry Bruner to cancel the allotment made to Sam Ford, it being set forth in said petition that said allotment was fraudulent and was made to one Tom Johnson who had fraudulently represented himself to be Sam Ford. On the same date there was filed with this office by Messrs. Butts & Johnson, as attorneys for Sam Ford, a demurrer and answer to said petition. Further proceedings were had in this matter February 21, March 7, May 17, May 21 and May 23, 1906. At the conclusion of proceedings had on the last mentioned date, the case was continued for the introduction of further testimony. No further evidence was introduced in the case.

A summary of the testimony of witnesses in the order in which the testimony was given, and on the main point involved in the case, viz-- the question of identity, is as follows:

"Richard Bruner, a citizen by blood of the Creek Nation, testified that he never knew a Creek citizen named Sam Ford until he met a man who went by the name of Tommie Johnson and he called himself Sam Ford; that he first knew him about the year 1902 and he was at that time living with his uncle Tom Slayton; that it was generally known in that community that Tommie Johnson had come from the States and that Jim Emerson, Bill Emerson, Tom Slayton and John McAlester had come to the Territory with him; that he never knew Doc Ford or Mollie Grayson the alleged parents of Tommie Johnson alias Sam Ford.

Richmond Bruner, a citizen by blood of the Creek Nation, testified that he never knew a Creek citizen named Sam Ford, and never heard of him; that there was a man who went by that name, that he knew Tommie Johnson and met him "about four years ago"; that Tommie Johnson had a wife and children; that he never knew Doc Ford or Mollie Grayson, the alleged parents of Tommie Johnson alias Sam Ford; that Tommie Johnson told the witness that he was raised in Kentucky.

Henry Bruner, a citizen by blood of the Creek Nation, testified that he first met Tommie Johnson "four years ago"; that Tommie Johnson told witness that he came from Kentucky and was never in the Creek Nation before that Tommie Johnson stayed in the Creek Nation until he was sent to the penitentiary; that witness never knew an Indian named Sam Ford; that Tommie Johnson filed on certain land under the name of Sam Ford.

Thomas Adams, a citizen by blood of the Creek Nation, testified that he found the name of Sam Ford on the Town list of Keohopotaka Town; that he did not know Sam Ford at the time said rolls were turned over to him; that he first met the man who claimed to be Sam Ford "about three or four years ago"; that he did not know his parents or either of them.

George W. Tiger, a citizen by blood of the Creek Nation, formerly town King of Keohopotaka Town testified that he placed the name of Sam Ford upon the roll of said Town; that Tom Adams gave him the name of Sam Ford;

that witness never saw Sam Ford and did not know his father or mother; that he did not know any body who was related to Sam Ford; that he never knew any one of the name of Tommie Johnson; that he never knew any family in said town by the name of Ford.

Wash Adams, a citizen by blood of the Creek Nation, and formerly Town King of Kechopetaka Town, testified that he saw the name of Sam Ford on the Town roll; that he first saw the man who called himself Sam Ford "about four years ago" when he went before the Commission to be enrolled; that he never saw him before that time nor has he seen him since; that he never knew nor saw Mollie Grayson, the alleged mother of Tommie Johnson alias Sam Ford; that he told the enrollment division of the Commission at Okmulgee that this man was Sam Ford because "he told me he was Sam Ford"; that he simply took the man's word that he was Sam Ford.

J. E. Carver, who is not a citizen of the Creek Nation, testified that he was convicted of larceny and was an inmate of the penitentiary at Fort Leavenworth when he last saw Sam Ford; that he called at the home of Mollie Grayson immediately after the Creek payment in the year 1888 or 1889 for the purpose of collecting money from her; that he was acquainted with Sam Ford as a boy and that said Sam Ford is now known as Tommie Johnson; that the only time he saw the children of Mollie Grayson was at the time he went to her home to collect certain money and never saw any one of said children again until he saw the man who is now in the penitentiary under the name of Tommie Johnson.

Thomas Slayton, a citizen of the United States, testified that he is the uncle of Tommie Johnson and knew him ever since he was born; that Tommie Johnson came from Kentucky and after his arrival in the Creek Nation assumed the name of Sam Ford; that Tommie Johnson told witness that he (Johnson) had a chance to register under some name that was missing and that he had registered under the name of Sam Ford; that Tommie Johnson first came to the territory in the fall of 1898; that Tommie Johnson was the son of Clara Ann and Vess Johnson and that he and Tommie Johnson were raised together; that witness knew a person of the name of Doc Ford in Kentucky but never heard that he was related to Tommie Johnson. That the Tommie Johnson he knew in Kentucky and who assumed the name of Sam Ford

Secretary --6

is now in the penitentiary convicted of murder.

William Emerson, testified that he knew Tommie Johnson from the time of his birth; that he was born in Kentucky---- knew his mother Clara Ann Johnson and his father Vess Johnson, and fully identifies said Tommie Johnson as the same man who was sent to the penitentiary convicted of murder; that he never knew Mollie Grayson or Doc Ford; that Tommie Johnson was a married man and had two children and that his family returned to Kentucky after his conviction.

Jim Emerson, testified that he came to the Creek Nation from Kentucky; that he knew a man by the name of Tommie Johnson in Kentucky, knew him when he was a small child and knew his father and mother who were residents of Kentucky. That the Tommie Johnson that he knew in Kentucky was the same man who came to the Creek Nation and was convicted of the murder of a man named Ellis.

Hannah Mann, a citizen of the Creek Nation, testifies that she has known Tommie Johnson "about five years"; that Tommie Johnson told her that he came from Kentucky; that she was in Okmulgee on a certain occasion when Tommie Johnson's uncle Tom Slayton came there on business; that she was at the home of Dinah Bruner when Tom Slayton, Tom Adams and Wash Adams came there; that these three men went into another room and she over-heard a conversation between them. She heard one of them say that "I will have him to take this name Ford so he can remember it. I will write it on a piece of paper and you take it, and then I will have him to study on the name, practice on it, so he can get it by heart". That her husband Jim Ellis was with Tommie Johnson when he appeared before the Commission and was enrolled; that he was enrolled under the name of Sam Ford. In reply to the question "When Jim came down here with Johnson and was filed, you said when he got back home you got after him about it", witness answered, "he said well Johnson has filed by the name of Sam Ford and now he changed his name and we will all call him Sam Ford; I said, he didn't file, you are just joking; he said, no, by God, I am not joking I am telling you the truth; I didn't say any more then. I said I don't see how he can file when he didn't have no right; he came here a state negro; he was getting mad then and he said he has filed and I represented him before the Commission. I said you might get into trouble if you don't mind and he said, well

he filed and he went out doors and got a bucket of water and came back. I said I am this way, they let the state negroes come in here and get our rights and I don't think that is right. He allowed, by God, somebody else will get it and he might as well have it".

Tommie Johnson, alias Sam Ford, in proceedings had at the United States penitentiary, Fort Leavenworth, Kansas, testified that his mother was Mollie Grayson and his father was Doc Ford; that he only met his father three times, the first time when witness was fourteen years old, when he was in town at a picnic, at which time his alleged father called him and told him the name of witness's mother and gave him a book with names in it, among the names being those of Wash Adams and Tom Adams; that witness gave said book to his mother; that the first time he saw Mollie Grayson, his alleged mother, was in the year 1894, at Memphis, Tennessee; that he went by the name of Tommie Johnson when he lived in Kentucky and by no other name; that the first time he heard his name was Sam Ford was when he first met his father at a picnic; that he never told any of the Slayton family with whom he was living in Kentucky, about meeting his alleged father but told his grand-mother and when he showed her the book she said, "this man was trying to get me off from home"; that he only talked with Doc Ford a short time; that the children that he went with in Kentucky were the children of Clara Ann and Vess Johnson and that he considered them as his brothers and sisters until he met Doc Ford; that he always thought that Clara Ann and Vess Johnson were his mother and father until he met Doc Ford; that in the diagram Doc Ford gave him there were three names, the names of his mother, his brother and himself; that he understood the object of the diagram was to show his relationship to Mollie Grayson; that he never attempted to enroll his wife or children, that Tom Slayton and Richmond Bruner came to him and asked his assistance in getting a man enrolled under the name of Lamb Ford; that he knew the man that they wanted to enroll as Lamb Ford was not his brother and he refused to identify him as such.

Hattie Jones, a Creek citizen, testified that Tommie Johnson was convicted of killing her father Jim Ellis; that Tommie Johnson also went by the name of Sam Ford; that he was married and after he was sent to the

Secretary -----8

penitentiary his wife and children went back with witness to their home in Kentucky. That the people witness met in Kentucky all said that Vess Johnson was the father of Tommie Johnson.

The only testimony tending to identify Tommie Johnson alias Sam Ford as the Sam Ford, child of Doc Ford and Mollie Grayson who was listed for enrollment by the Commission as a citizen by adoption of the Creek Nation, is that of Tommie Johnson (fully identified as the person who under the name of Sam Ford secured an allotment of land in the Creek Nation, who was convicted of murder and is now in the penitentiary at Fort Leavenworth, Kansas), and of J. F. Carver who was convicted of larceny and was a former inmate of the same penitentiary.

The testimony of certain other witnesses, citizens of the Creek Nation, and prominent in the affairs of the Creek Town of which said Tommie Johnson alias Sam Ford claimed to be a member, shows that they have no personal knowledge of any persons by the names of Sam Ford, Doc Ford or Mollie Grayson.

Other witnesses testified that they knew Tommie Johnson alias Sam Ford as a small child in Kentucky; that they knew his father Vess Johnson and his mother Clara Ann Johnson who were negroes and residents of Kentucky.

It is not deemed necessary to refer to the many inconsistencies in the evidence; however attention is invited

Secretary---9

to the statement of J. F. Carver as to the time he met Mollie Grayson in Okmulgee at a certain Creek payment, it being stated by him that this occurred in the year 1888 or 1889. An examination of the records of this office shows that no payment was made in the years 1888 or 1889 to citizens of the Creek Nation.

Attention is also invited to the improbability of the statement of Tommie Johnson alias Ford, that he first had knowledge as to who was his father when he was fourteen years of age, at which time he met one Doc Ford at a picnic in Kentucky and was informed by Ford that he was his father and that Mollie Grayson was his mother, when considered in connection with the testimony of witnesses who knew him from childhood in the state of Kentucky and were acquainted with his father Vess Johnson and mother Clara Ann Johnson.

It is not attempted herein to pass in detail upon the competency or credibility of the witnesses. The fact that certain witnesses have been indicted for certain offenses, that others are related to the man who was murdered and for which crime Tommie Johnson, who under the name of Sam Ford, was enrolled as a citizen of the Creek Nation, is now confined in the penitentiary, and that it has been attempted to discredit certain other witnesses on account of statements

Secretary---10

appearing in affidavits or alleged to have been made by them, is not considered necessary to be passed upon in this report.

Considering the evidence as a whole I am of the opinion that the weight of evidence conclusively shows that Tommie Johnson alias Sam Ford is not the son of Doc Ford and Mollie Grayson, that he is the son of Vess and Clara Ann Johnson, that he fraudulently assumed the name of Sam Ford under which name he was enrolled as a citizen of the Creek Nation and received an allotment in said Nation.

I, therefore, respectfully recommend that authority be granted for the striking of the name of Sam Ford from the approved roll of citizens by blood of the Creek Nation.

It is further recommended, in view of the provisions of section five of the Act of Congress approved April 26, 1906 (34 Stats., 137), that steps be taken looking to the cancellation of said deeds, and that this matter be referred to the Attorney General for such action as may be deemed proper in the premises.

A complete copy of the record in the case is herewith inclosed, also deeds Nos. 15102 and 15103, herein referred to.

Very respectfully,

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

2 Inc. CM-4-A

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
Washington. GR

Land:
58820-1909
O A P

Jul. 30, 1909

Cancellation of deeds
of Sam Ford.

The Commissioner
to the Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

Replying to your letter of June 30, 1909, in which you called the attention of the Office to the fact that the deeds of Sam Ford, whose name appeared on the Cherokee Indian roll, had not been cancelled, the Office inquired of the Attorney General whether such action had been taken in response to the request contained in Departmental letter of December 8, 1906, (I.T.D. 23954-1906).

In his letter of July 22, 1909, the Attorney General advised the Department that the letter of December 8, 1906, with its accompanying papers, was transmitted to William M. Mellette, then United States Attorney for the western district of Indian Territory, on December 12, 1906, with instructions to institute suit as requested.

As no response was ever received from Mr. Mellette, and as the records of the Attorney General fail to show that

L-58820-2

suit was instituted, the matter has now been called to the attention of the present United States Attorney for the eastern district of Oklahoma, and he has been instructed to investigate the matter and make a full report thereon. After the receipt of this report you will be advised further.

Very respectfully,

John Francis, Jr.

Acting Chief Clerk.

RFP-28
3564.

1142

Indian Office,
Francis,
Washington, D. C.
July 30, 1909.

Advise as to the cancellatio
deeds issued to Sam Ford, a
Cherokee.

No.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CREEK NATION,

MUSKOGEE LAND OFFICE.

In the matter of the application of

Sam Ford

for an allotment of land in the Creek Nation.

I, do solemnly swear that I am years
of age, and that on the day of 1 in the
Nation, Indian Territory, I served the within Subpoena on the within named
by then and there delivering a true copy of the same to said

Subscribed and sworn to before me this

day of 1

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CREEK NATION,

MUSKOGEE LAND OFFICE.

To *Jim Emerson*

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at Muskogee,
 in the Creek Nation, Indian Territory, on the *7th* day of *March*, *1906*
 to testify before said Commission in the matter of the application of *Sam Ford*

for an allotment of land in the Creek Nation, Indian Territory.

Herein fail not under penalty of the law.

Dated at *Muskogee* *97* this *21st* day of *February*, *1906*
W. O. Deas
 Commissioner.

No. _____

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

**CREEK NATION,
MUSKOGEE LAND OFFICE.**

In the matter of the application of _____

Sam Ford

for an allotment of land in the Creek Nation.

I, _____ do solemnly swear that I am _____ years
of age, and that on the _____ day of _____ I in the
Nation, Indian Territory, I served the within Subpoena on the within named _____
by then and there delivering a true copy of the same to said _____

Subscribed and sworn to before me this _____

day of _____

1 _____

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES

CREEK NATION,

MUSKOGEE LAND OFFICE.

To *Tom Slayden*

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at Muskogee,
 in the Creek Nation, Indian Territory, on the *7th* day of *March*, 190*6*
 to testify before said Commission in the matter of the application of *Sam Ford*

for an allotment of land in the Creek Nation, Indian Territory.

Herein fail not under penalty of the law.

Dated at *Muskogee* *97* this *28th* day of *February*, 190*6*
W. O. Beall
 Acting Commissioner.

No.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

**CREEK NATION,
MUSKOGEE LAND OFFICE.**

In the matter of the application of

Sam Ford

for an allotment of land in the Creek Nation.

I, do solemnly swear that I am years
of age, and that on the day of I in the
Nation, Indian Territory, I served the within Subpoena on the within named
by then and there delivering a true copy of the same to said

Subscribed and sworn to before me this

day of I

No.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

**CREEK NATION,
MUSKOGEE LAND OFFICE.**

In the matter of the application of

Sam Ford

for an allotment of land in the Creek Nation.

I, do solemnly swear that I am years
of age, and that on the day of 1 in the
Nation, Indian Territory, I served the within Subpoena on the within named
by then and there delivering a true copy of the same to said

Subscribed and sworn to before me this

day of

1

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CREEK NATION,

MUSKOGEE LAND OFFICE.

To *Wm Emerson*

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at Muskogee,
in the Creek Nation, Indian Territory, on the *7*" day of *March*, 19*06*,
to testify before said Commission in the matter of the application of *Sam Ford*

for an allotment of land in the Creek Nation, Indian Territory.

Herein fail not under penalty of the law.

Dated at *Muskogee I.T.* this *21*" day of *Feb.*, 19*06*
W. O. Beall
ACTING Commissioner.

Residence _____

Card No. _____

NATION. _____

ROLL. _____

Post Office Bristow, Ind TerField No. 3189

Dawes' Roll No	NAME	Relation-ship to Person First Named	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.					
						Year.	County.	Age	Name of Father.	Year.	County.	Name of Mother.	Year.	County.
8417	1 <u>Ind Benn</u>		28	M	1/4	1895	Ketchepatoka	284	<u>Doc Ford</u>		<u>Non citizen</u>	<u>Melli Geyer and</u>		<u>Ketchepatoka</u>
	2													
	3													
	4													
	5													
	6													
	7	{ <u>Citizp entry issued for</u> <u>No 1 Jan. 22, 1902</u>												
	8													
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Approval of No 8417 Person
Approved by the Secretary of Interior
March 28, 1902

May 22, 1901

CR EN 932

missing

1-6-40

CR EN 933

CR EN 933

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JULY 10, 1906.

In the matter of the right to enrollment of Katie Davis
as a citizen of the Creek Nation.

Appearances: L. M. Mott, attorney for Creek Nation.
J. Coody Johnson, attorney for applicant.

It is agreed by and between the attorneys, attorney for
Creek Nation and attorney for applicant that this case be
consolidated with and made a part of the case of the
application for the enrollment of Millie Davis, she being
the mother of the applicant herein, and that the record
in this case be consolidated with and made part of the
record in the case of Millie Davis, and the record in the
case of Millie Davis be made a part of and considered
in the case of Katie Davis.

Thomas Long being first duly sworn, testified as follows:
Questions by L. M. Mott, attorney for creek nation,
through sworn interpreter, Wm. McCombs.

- Q: What is your name? A: Thomas Long.
Q: How old are you? A: About 50 years.
Q: What is your post-office address? A: Yeager.
Q: Are you a citizen by blood of the Creek Nation? A: Full
blood Creek.
Q: You appeared here yesterday and testified in the matter
of the right to enrollment of Millie Davis did you?
A: Yes sir.
Q: Do you know Katie Davis the mother-daughter of Millie? A:
A: Yes sir, I knew her.
Q: Is she dead? A: She is dead.
Q: Were you living near her at the time of her death?
A: About 3 miles from my place.
Q: Do you know when she died? A: I think I know the year
or probably know the year she died.
Q: Q: Did she die before or after the death of her mother?
A: The mother died first.
Q: How long after the death of the mother did Katie die?
A: The mother died the 29th. day of October and in November
about the 25th. of November the child died.
Q: Were you present when the child died? I was not, I just
heard that the child died.
Q: Did you attend the funeral of the child? A: No sir,
I was sick in bed when that occurred.
Q: How long after the death of the child was it when you
heard it died? A: I heard it the same day.
Q: Who told you about it? A: Wash Long.
Q: How did he happen to tell you about it? A: They sent
word for me to come and see the deceased and told me
about it.
Q: Sent word for you to see the deceased? A: Yes sir.

- Q: You are not related to Katie or Millie Davis are you?
A: No sir.
Q: How do you remember so well the date of death of Katie?
A: That very day, that very time I had the mumps and I remember that very well.
Q: In what year was that? A: 1898.
Q: Have you seen the grave where Katie was buried? A: Yes I was told that Katie was buried the same day and afterwards I saw the grave.
Q: Where was Katie buried? A: Near Yeager.
Q: Was Katie buried near where her mother was buried? A: It was some distance apart.
Q: Was Katie buried in a regular cemetery or grave-yard?
A: Yes sir.
Q: What was the cemetery called, did the cemetery have a name?
A: It has no name they just called it a grave yard.
Q: Where is that grave-yard? A: It is near Mary Grayson's place.
Q: Was there any grave house or head-board put over that grave?
A: I think there is no grave house over it.
Q: Did you ever see a head-board at that grave? A: I saw it at a distance just passing.
Q: You were not near enough to see if there was any record on the head-board? A: No sir, I wasn't near enough.
Q: Are you certain that Katie died after Millie? A: Yes sir
Q: Do you state that Katie did not live more than 2 months after Millie? A: Yes sir.
- Questions by J. Coody Johnson, counsel for applicant.
- Q: Whose place was this Katie died in? A: Doctor Armstrong.
Q: You say that Wash Long told you about it? A: Yes sir.
Q: How long was that after the death of Millie, how many months after the death of Millie before you heard of the death of Katie? A: Millie died near the end of the month and the next month the 25th. Katie died.
Q: How long was it after you had had the small-pox that Katie died? A: She died before I had the small-pox.
Q: How long before you had the small-pox? A: Three or four years.
Q: You don't know for certain then, do you? A: Not certain.
Q: Which did you have first the mumps or the small-pox?
A: Mumps first.
Q: What day of the month or year was that you had the mumps?
A: It was in October sometime.
Q: What date in October? A: About the 5th. of October.
Q: Are you certain it was the 5th. of October? A: I just think it was on the 5th.
Q: Why is it now you don't know the exact date on which you took the mumps? A: I was at Fort Smith and that had attacked me on the 5th. day of October.
QQ: I wish you would answer my question? Why is it you don't remember the exact date on which you took the mumps?
A: It attacked me on the first day of October.
Q: You were attacked with the mumps on the first day of October? A: Yes sir.
Q: You said a minute ago that you were attacked with the mumps about the 5th. day of October, didn't you?
A: About the 5th. it got to working on me.
Q: Which one of these statements you have made is correct?
A: The first is correct.
Q: Katie Davis died after her mother did she? A: Yes sir
Q: And that was about a month after the death of her mother?
A: The 25th. day of the following month.

Questions by L. H. Mett, Counselor Creek Nation:

- Q: Do you remember the field party that passed through that section of the territory about that time? A: Yes sir.
Q: The field committee representing the Dawes Commission?
A: Yes sir.
Q: What time was that, what year was it that Commission went through there? A: I think it was in 1898.
Q: Did they take your name, that committee at that time?
A: Yes sir.
Q: You say you think that was in 1898? A: Yes sir, I think in that year.

Questions by J. Geedy Johnson, counsel for applicant.

- Q: You say they enrolled you, that field party enrolled you did they? A: Yes sir.
Q: Were was this field party located at the time they enrolled you? A: At Wetumka.
Q: Well Katie and Millie Davis were living at that time were they not? A: Yes sir, they were living.

Questions by Commissioner:

- Q: What year was it you were enrolled? A: 1898 I think it was in the year 1898.
Q: Didn't you testify yesterday that Millie had died 3 years, 2 or 3 years before you were enrolled by the field party?
A: I think the question was about my filing.

Lawyer Deere being first duly sworn, testified as follows

Questions by L. H. Mett, through sworn interpreter, William McCombs.

- Q: What is your name? A: Lawyer Deere.
Q: How old are you? A: 40 past.
Q: What is your post-office address? A: Yeager.
Q: You are a citizen by blood of the Creek Nation are you?
A: Yes sir.
Q: You were before the commission yesterday and testified in the matter of the death of one, Millie Davis? A: Yes sir.
Q: Do you know the Katie Davis, that died, daughter of Millie Davis? A: Yes sir.
Q: Is Katie living? A: She is dead.
Q: How far did you live from Katie during her life time?
A: About two and a half miles.
Q: Were you present when Katie died? A: No sir.
Q: Were you present when she was buried? A: I was present at the burial.
Q: Where was Katie buried? A: About a mile North-west from Yeager.
Q: What did they call that cemetery or burying ground?
A: It is very near Timmy Harneys place.
Q: Was there a grave house put over the grave? A: Yes sir.
Q: Was there a head-board put over it? A: Yes sir.
Q: Was there any record put on that head-board? A: Yes sir.
Q: Where did you see that record? A: I didn't see it.
Q: Did Katie die before the death of her mother or after?
A: The mother died first.
Q: How long after the death of the mother did Katie die?
A: Probably more than a month.
Q: Was it as much as two months after? A: I think it was 2 months probably.

- Q: Do you think it was over two months? A: No.
- Q: You don't know the exact date but you think that Katie died about 2 months after the death of Millie, is that correct? A: Yes sir, that is what I think.
- Q: Was Katie's among the number that you reported to the Committee at Bufala in 1901? As having died prior to April 1st, 1899? A: She was among the number.
- Q: Do you remember the field committee that came to that section of the country, Wetumka, do you remember that first field party that came out? A: Yes, I saw a field party.
- Q: What year was that? A: I don't know what year it was.
- Questions by J. Coedy Johnson, attorney for applicant.
- Q: Was Katie living at the time you say this field party passed through Tecumka? A: Probably she was dead.
- Q: Now which was it, was she dead or was she living? A: I think she was dead.
- Q: You are certain then that she was dead? A: Yes sir.
- Q: This field party were there at Tecumka were they? A: Yes sir.
- Q: You say you saw the head-board and inscription board that was put at the head of Katie's grave? A: I did not see it.
- Q: I was present when they were burying Katie and of course I saw the head board put up.
- Q: Tell him (witness) to answer my question: If he saw this head-board put there, he knows it and if he didn't see it tell him to state that? A: I saw it.
- Q: Was there any inscription on that head-board? A: I didn't see the inscription.
- Q: Didn't you state a while ago there was an inscription written on this head-board? A: My answer was, probably there was, probably it was written on the head board.
- Q: So then you do not know whether there was anything written on the head-board or not do you? A: I do not.
- Questions by Commissioner:
- Q: Did you ever go by any other name than Thomas Long? A: Yes sir. Offer Long.
- Q: What was the name of your wife? A: Cinda.

Statement on behalf of the Commissioner:

As to the date on which the names of Offer Long and the members of his family, and James Davis and the member of his family were listed for enrollment, reference is made to old Creek Census Card No. 2907 and 2924, respectively).

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes, as taken by me on said date at in said cause.

Julia C. Laval

Subscribed and sworn to
before me this 20, day of July, 1906.

H. H. Harris
Notary Public.

See page following

Statement by L. M. Mott, attorney for Creek Nation.

National Attorney desires to state that in the examination of Lawyer Deere and Mitchell Compere, in the different cases, one after the other, their demeanor upon the stand impressed me with the conviction that their testimony was not of such a character as could be relied upon. The force of this cannot be appreciated by one merely reading the testimony, and I do not desire this statement to be understood as affecting the decision of the Commission in this case, and is meant to apply only to the two witnesses above mentioned, without regard to the testimony of other witnesses.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and correct statement of L. M. Mott taken in proceedings had in the matter of the application for the enrollment of ~~Little Dorset~~, on July 9, 1906, and the same is made a part of the record in this case according to the implied direction of Mr. Mott.

Subscribed and sworn to before
me this 28 day of January 1907.

Julia C. Laval
Edward M. Mott
Notary Public.

DEPARTMENT OF THE INTERIOR,
~~COMMISSIONER TO THE FIVE CIVILIZED TRIBES,~~
HOLDENVILLE, I. T., OCTOBER 2, 1906.

In the matter of the enrollment of Katie Davis, deceased,
as a citizen by blood of the Creek Nation.

NETTIE WATTY, being first duly sworn by Alex Posey, a
Notary Public, and examined, testified as follows:
Through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Nettie Watty. I am sometimes called
Checota Harjo.
- Q How old are you? A About 35.
- Q What is your postoffice address? A Yeager.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q To what Creek town do you belong? A Tuckabatche.
- Q Did you know a child of James and Millie Davis, named Katie
Davis? A Yes sir.
- Q What relation was the child to you? A I am the uncle of the
child. The child's mother was my sister.
- Q Do you know when Katie died? A The child died in the
latter part of December, 1899; it was just before Christmas
and not a great while after the death of her mother, Millie
Davis, who died on the 4th day of October, 1899. I am unable
to fix the exact date of the child's death but I know that she
died in the latter part of December, 1899.
- Q Was there a record made of the child's death? A The father,
I think, has a record showing the date of the child's death.
- Q Are you positive that this child died in December, 1899?
- A Yes sir.

Reference is here made to Creek Enrollment No. 984.

- Q How old was the child? A I do not know just how old the child
was but it was beginning to walk and learning to talk.

James B. Myers, being first duly sworn, states, that as
stenographer to the Commissioner to the Five Civilized Tribes, he
recorded the testimony in the foregoing proceedings, and that the
above is a true, and correct transcript of his stenographic notes
thereof.

James B. Myers

Subscribed and sworn to before me this 9th day of
October, 1906.

JEM

Alex Posey
Notary Public

Executive Office,

MUSKOGEE NATION.

P. PORTER, Principal Chief.
M. L. MOTT, National Attorney.

Copy

Muskogee, Indian Territory,

Sept. 3rd 1904.

Hon. E. A. Hitchcock.

Sect. of the Interior.

Washington, D. C.

My dear Sir:-

Affidavits having been made that Millie Davis Roll
No. 6966 Deed No. 10288 died prior to April 1st 1899.
I will thank you to direct reopening of the case that I may have
opportunity to offer this testimony. I have several additional
witnesses to offer in support of these affidavits upon rehearing
of the case.

Yours very truly.

M. L. Mott

National Attorney.

JJ/B

I. 2306.

Muskogee, Indian Territory, September 22, 1904.

The Honorable

The Secretary of the Interior.

Sir:-

The name of Katie Davis is contained in the partial list of citizens by blood of the Creek Nation approved by the Department March 28, 1902, No. 6967.

September 21, 1904, the attorney for the Creek Nation delivered to the Commission, for transmission, a communication to the Department in the nature of a motion for rehearing, asking that the matter of the enrollment of said Katie Davis be re-opened. The motion is supported by the affidavit of Lawyer Deer and Thomas Long.

In view of said affidavit it is respectfully recommended that the motion be granted and the Commission authorized to have a rehearing of the case.

The communication and affidavit are inclosed.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

DCS. 2-22/9.

C O P Y.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.

FHE

I.T.D. 10172-1904.

October 13, 1904.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

An affidavit having been filed alleging that Katie Davis, whose name is contained in the partial list of citizens by blood of the Creek Nation approved by the Department March 28, 1904. No. 6967. died prior to April 1, 1899, in your letter of September 22, 1904, you recommended, upon the request of the attorney for the Creek Nation, that the case be reopened, and that you be authorized to have a hearing in the matter.

Submitting your report October 10, 1904, the Acting Commissioner of Indian Affairs concurs in your recommendation. A copy of his letter is enclosed.

You are hereby authorized to proceed as suggested. The affidavit is herewith returned.

Respectfully,

Thos Ryan,

Acting Secretary.

2 inclosures.

C O P Y.

Land.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

66,438-1904.

October 10, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated September 22, 1904, transmitting a communication from the Attorney for the Creek Nation, in the nature of motions for a rehearing in the matter of the enrollment of Hagie and Sam Davis. The motions are supported by the affidavits of Lawyer Deer and Thomas Long.

In view of the Department's action of October 1, 1904--I.T. D. 9140-- it would seem that the case mentioned should be reopened, and I so recommend.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

(G.A.W.) P.

Refer in reply to the following:
Land: 66,441-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Oct. 10, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated September 12, 1904, transmitting a communication from the Attorney for the Creek Nation, in the nature of a motion for a rehearing in the matter of the enrollment of Kate Davis, and asking that the case be reopened. The motion is supported by the affidavits of Lawyer Deer and Thomas Long.

In view of the Department's action of October 1, 1904 -- I.T.D. 9140-- it would seem that the case should be reopened, and I so recommend.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

GAW P.

En 933
(Copy)

Muskogee, Indian Territory, July 11, 1905

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

October 13, 1904, the Department granted your motion for rehearing in the matter of the right to enrollment of Millie and Katie Davis, both deceased, as citizens by blood of the Creek Nation.

You are hereby notified that said case is set for rehearing at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, August 7, 1905.

The Creek Nation will be permitted to introduce evidence in said matter at the same time and place.

Respectfully,

Commissioner.

EXECUTIVE OFFICE,
Muskogee Nation.

P. PORTER, Principal Chief.
M. L. Mott, National Attorney.

Ex 933
(Copy)

Muskogee, Indian Territory, July 24th, 1905.

Commission to the five Civilized Tribes,

Muskogee, I. T.

My dear sirs:

Prior to the meeting of the Creek Council in October last, I made application to the Secretary of the Interior to reopen quite a number of cases upon the ground that the allotments had been secured by fraud. In every case the request was granted. When the Council met I advised them of the necessity of making an appropriation to pay the witnesses in these fraudulent cases. They passed an act appropriating five thousand dollars for this purpose. The President declined to approve the appropriation, setting out that he was advised by the Secretary of the Interior that a correction of these frauds could be had through the Courts. Having no money to pay the witnesses, and no means of bringing them before your Commission I will have to abandon any further effort to investigate them in the manner intended. In each case I withdraw motion for rehearing.

Yours very truly,

(signed) M. L. MOTT,
National Attorney.

7221

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

En.933.

James Davis,
Holdenville, Indian Territory.

Dear Sir:

October 13, 1904, the Department reopened the matter of the right to enrollment of your wife, Millie Davis, and your daughter, Katie Davis, deceased, as citizens by blood of the Creek Nation, and granted a rehearing in same.

You are hereby notified that the case is set for rehearing at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, August 7, 1905.

The Creek Nation will be permitted to introduce evidence in the case at the same time and place.

Respectfully,

Register.


Commissioner.

7547

NOTE IN REPLY TO THE FOLLOWING

Bn.933

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 8, 1906.

James Davis,
Holdenville, Indian Territory.

Dear Sir:

October 13, 1905, the right to enrollment of your daughter, Katie Davis, deceased, was reopened by the Secretary of the Interior, on motion of the attorney for the Creek Nation accompanied by affidavits to the effect that she died prior to April 1, 1899.

You are hereby notified that a rehearing in said case is set for February 19, 1906 at 9 o'clock A.M. at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

The attorney for the Creek Nation has been notified of said rehearing and that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,

Acting Commissioner.

71st

REFER IN REPLY TO THE FOLLOWING

En. 933

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 8, 1906.

Selina Davis,
Holdenville, Indian Territory.

Dear Madam:

October 13, 1905, the right to enrollment of Katie Davis, deceased, was reopened by the Secretary of the Interior, on motion of the attorney for the Creek Nation accompanied by affidavits to the effect that she died prior to April 1, 1899.

You are hereby notified that a rehearing in said case is set for February 19, 1906 at 9 o'clock A.M. at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

The attorney for the Creek Nation has been notified of said rehearing and that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,


Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING

Bn.984.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 8, 1906.

James Davis,

Holdenville, Indian Territory.

Dear Sir:

October 1, 1904, the Secretary of the Interior reopened the matter of the enrollment of Millie Davis, deceased, on motion of the attorney for the Creek Nation accompanied by affidavits to the effect that she died prior to April 1, 1899.

You are hereby notified that a rehearing in said case is set for February 19, 1906 at 9 o'clock A.M. at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

The attorney for the Creek Nation has been notified of said rehearing and that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING

En. 984.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 8, 1906.

Selina Davis,

Holdenville, Indian Territory.

Dear Madam:

October 1, 1904, the Secretary of the Interior reopened the matter of the enrollment of Millie Davis, deceased, on motion of the attorney for the Creek Nation accompanied by affidavits to the effect that she died prior to April 1, 1899.

You are hereby notified that a rehearing in said case is set for February 19, 1906 at 9 o'clock A.M. at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

The attorney for the Creek Nation has been notified of said rehearing and that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,

Acting Commissioner.

En. 933

Muskogee, Indian Territory, February 8, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

October 13, 1904, the Secretary of the Interior on your motion, accompanied by the affidavits of Lawyer Deere and Thomas Long, reopened the matter of the enrollment of Katie Davis as a citizen of the Creek Nation.

There are on file in this office affidavits executed October 24, 1901 by James Davis the father, and Selina Davis an acquaintance of said Katie Davis to the effect that she died December 18, 1899.

You are hereby notified that a rehearing in said case is set for February 19, 1906 at 9 o'clock A.M. at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

-2-

The heirs of said Katie Davis will be given an opportunity to introduce evidence at the same time and place.

Respectfully,

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING:

En.933.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 19, 1906.

James Davis,

Holdenville, Indian Territory.

Dear Sir:

February 8, 1906, a letter was addressed to you by this office notifying you that a rehearing would be had in the matter of the enrollment of Katie Davis, deceased, on February 19, 1906, said matter being reopened by the Secretary of the Interior under date of October 13, 1905, on motion of attorney for the Creek Nation, accompanied by affidavits to the effect that said applicant died prior to April 1, 1899. No appearance being made by you on the date set, you are hereby notified that a rehearing in this matter will be had at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, July 6, 1906, at which time you will be permitted to introduce evidence relative to the death of said Katie Davis.

The attorney for the Creek Nation has been notified of said rehearing and that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,

A handwritten signature, possibly "J. H. Smith", is written over the word "Respectfully,". The signature is in dark ink and is somewhat stylized.

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

En.933.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 19, 1906.

Selma Davis,

Holdenville, Indian Territory.

Dear Madam:

February 8, 1906, a letter was addressed to you by this office notifying you that a rehearing would be had in the matter of the enrollment of Katie Davis, deceased, on February 19, 1906, said matter being reopened by the Secretary of the Interior under date of October 13, 1905, on motion of attorney for the Creek Nation, accompanied by affidavits to the effect that said applicant died prior to April 1, 1899. No appearance being made by you on the date set, you are hereby notified that a rehearing in this matter will be had at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, July 6, 1906, at which time you will be permitted to introduce evidence relative to the date of death of said Katie Davis.

The attorney for the Creek Nation has been noti-

ried of said rehearing and that he will be given an
opportunity to introduce evidence at said time and place.

Respectfully,



Commissioner.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

J.J.
Jr.

I.T.D. 7890-1907.

March 4, 1907.

LRS

Direct

Commissioner to the Five Civilized Tribes.

Muskegee, Indian Territory.

Sir:

On March 2, 1907, (Land 21731) the Indian Office transmitted your report dated February 23, 1907, in the matter of a motion filed by the attorney for the Creek Nation to reopen the matter of the right to enrollment of Katie Davis, deceased, whose name appears opposite number 6967 upon a schedule of citizens by blood of the Creek Nation.

You being of the opinion that the evidence is not sufficient to warrant the conclusion that said Katie Davis died prior to April 1, 1899, recommend that her name be allowed to stand upon said roll of citizens of the Creek Nation.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed. Said recommendation appears to be correct, and the Department approved the same. The papers in the case and a carbon copy hereof have been sent to the Indian Office

Respectfully,

E. A. Hitchcock,
Secretary.

1 inc. and 2 to Ind. Of.
McM 3-4-07.

COPY

DEPARTMENT OF THE INTERIOR,

Land.
21731-1007.

OFFICE OF INDIAN AFFAIRS,

March 2, 1907.

WASHINGTON.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby dated February 23, 1907, submitting testimony in the matter of the right to enrollment of Katie Davis, deceased, whose name is contained on a partial schedule of citizens by blood of the Creek Nation, approved by the Department March 22, 1902, opposite number 6967, in which he recommends that her name be allowed to stand as approved on the roll above mentioned.

The report of the Commissioner in the matter of the enrollment of Millie Davis was transmitted to the Department October 23, 1906, in which he recommended that her enrollment be allowed to stand, and on December 8, 1906, the Department concurred in the recommendation of the Commissioner.

Very Respectfully,

C. F. Larrabee,

Acting Commissioner

EWE-W

Ex. 933-984

JWH

Muskogee, Indian Territory, March 12, 1907.

Chief Clerk,

Creek Land Office.

Dear Sir :--

On March 4, 1907, the Secretary of the Interior directed that the name of Katie Davis, deceased, be allowed to stand on the roll of citizens of the Creek Nation, opposite number 4966.

Respectfully,

Commissioner.

Ex. 933-984

Muskogee, Indian Territory, March 13, 1907.

J. C. Johnson,

Wewoka, Indian Territory.

Dear Sir :--

On March 4, 1907, the Secretary of the Interior directed that the name of Katie Davis, deceased, be allowed to stand on the roll of citizens of the Creek Nation, opposite number 6966.

Respectfully,

Commissioner.

En. 933-984

JWH

Muskogee, Indian Territory, March 19, 1907.

James Davis,

Holdenville, Indian Territory.

Dear Sir :--

On March 4, 1907, the Secretary of the Interior directed that the name of Katie Davis, deceased, be allowed to stand on the roll of citizens of the Creek Nation, opposite number 6966.

Respectfully,

Commissioner.

James Deer and Thomas Long personally appeared before me and
after being duly sworn dep. that they had instantly received
Misses, Anne and that they died prior to
April 1st, 1894. And they further dep. that they have talked to
different people, some of the relatives of the deceased and will make
out that said deceased party did return in 1st day of April, 1894.

James Deer
Thomas Long

Witness
Minister

James Deer
Thomas Long

Subscribed and sworn to before me this 16th day of
August, 1904.

Wm. T. Mendenhall
Notary Public

By Commission Expires

Copy

Witnessed at New York, August 14, 1904.

Lester Root and Thomas Long personally appeared before me and after being duly sworn say that they know intimately
..... *Kate Payne* said that died prior to April 1st, 1900. and they further swear that they have talked to different people, among them relatives of the deceased who will make oath that said deceased party died before the 1st day of April, 1900.

Witness
Emilia

.....
.....
.....

.....
.....
.....

Subscribed and sworn to before me this day of August, 1904.

.....
.....
Notary Public,

My Commission Expires.....

CR EN 934

CR EN 934

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, August 24, 1905

In the matter of the enrollment of Peggy Willior as a citizen by blood of the Creek Nation.

APPEARANCES: M.L.Mott, attorney for Creek Nation.

The records of this office show that on September 17, 1904, the Department on motion of the attorney for the Creek Nation, reopened the matter of the enrollment of Peggy Willior whose name appears on the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902 opposite roll No. 6961.

The records further show that the affidavits of Wilson Wright and Barney Yahola accompanying said motion stated that said Peggy Willior died prior to April 1, 1899

Peggy Mitchell, being duly sworn, testified as follows: through Alex Posey official interpreter.

- Q What is your name? A Peggy Mitchell.
Q Ever known as Peggy Willior? A Yes, sir
Q What is your age? A I dont know
Q What is your post office? A Deloy
Q What the name of your father? A Willior
Q Was he a citizen of the Creek Nation? A He was a Seminole
Q What the name of your mother? Betty Deer
Q Was she a citizen of the Creek Nation? A Yes, sir
Q Did your mother Betty Deere ever have any other daughter that was a full sister to you? A Yes, sir
Q What was her name? A Lena Willior

Witness is identified as Peggy Willior whose name appears on Creek Indian card field No. 2303 in partial list of citizens by blood approved by the Secretary of the Interior March 28, 1902 opposite No. 6961

- Q Do you know any other person named Peggy Willior? A No, sir

Witness is identified as Peggy Willior whose case was on motion of the attorney for the Creek Nation reopened by the Department as above set forth.

- Q Is this man with you, your husband? A Yes, sir

William Mitchell being duly sworn, testified as follows:

- Q What is your name? A William Mitchell
Q What is your age? A 21
Q What is your post office? A DeKey.
Q Are you a citizen of any of the five tribes? A No, sir
Q A States man? A Yes, sir
Q What is the name of your wife? A Peggy Willior
Q What was her name before she was married? A Peggy Willior
Q Who was she living with when you first knew her? A Her mother Betty Willior
Q Is she living or dead? A Living

Q Did your wife ever tell you her father's name? A Willier is all the name I know

Q Do you know any other Peggy Willier in the Creek Nation?

A No, sir

The records of this office examined and it does not appear that the name of any other Peggy Willier other than the one herein referred to in this case is contained on the partial list of citizens of the Creek Nation approved by the Secretary of the Interior.

The tribal rolls of the Creek Nation in the possession of this office examined and Peggy Willier is identified on the 1890 authenticated roll of Katchopataks town and also of the 1895 pay roll and copy of letter of the attorney for the Creek Nation dated July 24, 1905 relative to certain cases reopened by the department as his motion is made a part of the record herein.

Q Do you know Barney Yahola? A Yes, sir

Q Is he living? A No, sir

Q When did he die? A He died this year but I don't know the month

Q Do you know Wilson Wright? A Yes, sir

Q Living or dead? A Dead

Q When did he die? I don't remember, it was May or June of this year

Attorney for the Creek Nation states that since the death of Wilson Wright and Barney Yahola he is not in possession of any information tending to contradict the testimony above given Peggy Willier whose testimony has just been taken is in possession of deeds for allotments of land in the Creek Nation issued to Peggy Willier roll No. 6961

I, Anna Garrigue, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date,

Subscribed and sworn to before
me this 24th day of August 1905.

Anna Garrigue

Edw. J. [Signature]

Notary Public.

COPY

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, August 6, 1904.

Land.
51317-1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated July 24, 1904, forwarding communication of the attorney for the Creek Nation of July 22, 1904, requesting that the enrollment of Seper or Sarpie Willior, Creek roll No. 6063, be reopened, in order that opportunity for the introduction of additional testimony may be had. He enclosed with his communication affidavit of Nokus Pixico, who states that he was personally acquainted with Seper Willior, who died prior to April 1, 1899.

The Commission say that they recently received other information, not under oath, which tends to corroborate the statements contained in the affidavit mentioned, and recommend that a rehearing be ordered.

From the affidavit of Nokus Pixico and the statements of the Commission it would appear that the case should be reopened, and the office so recommends.

The Commission make no mention of the deed in favor of said Seper Willior, but Mr. Mott states that deed in his favor No. 10287, has been executed, but has not been delivered.

Very respectfully,

A. G. Tenner,

Acting Commissioner.

GAW:MA

DEPARTMENT OF THE INTERIOR:

WASHINGTON, September 17, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 26, 1904, you transmitted a petition filed by the attorney for the Creek Nation praying for a rehearing in the Creek enrollment case of Peggy Willior. You recommend that the petition be granted.

Smart Reporting in the matter September 8, 1904, the Commissioner of Indian Affairs also recommends that the case be reopened providing, however, that deeds have not been approved by the Department and delivered to the heirs of the deceased. As land is not ~~only~~ the only property to be distributed among the citizens of the Creek Nation, the rolls, if erroneous, should be corrected, even if deeds have been delivered by mistake. Accordingly the Department concurs in your recommendation. Said petition is hereby granted. A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Refer in reply to the following:
Land: 59017-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 8, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to ~~xxx~~ enclose a report from the Commission to the Five Civilized Tribes dated August 25, 1904, transmitting a communication from the attorney for the Creek Nation dated August 9, 1904, in the nature of a motion to reopen the enrollment case of Peggy Willior as a citizen of the Creek Nation, No. 6961.

Wilson Knight and Barney Yabola, in their joint affidavit of August 9, last, state that they personally know that said Peggy Willior died before April 1, 1899. From a communication from the attorney for the Creek Nation it appears that deeds numbered 20970 and 20971 have been issued. His communication or the Commission's report do not show whether the deeds ~~xx~~ referred to have been approved by the Department and delivered to the heirs of the deceased. However, from the affidavit mentioned it would seem that the authority requested should be granted, and I therefore recommend that the case be re-opened and a re-hearing ordered, but that the Commission be directed, in the event ~~that~~ said deeds have been approved and delivered, that they take no action concerning the re-hearing until they have made further report and have received additional instructions concerning the matter.

GAV D.

Very respectfully, W.A. Jones, Commissioner.

Oct. 2, 1904

The Honorable,

The Secretary of the Interior.

Sir:

September 17, 1904, the Department, on motion of the attorney for the Creek Nation, reopened the matter of the enrollment of Peggy Willior, whose name appears on a partial roll of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite No. 6961. Said motion of the attorney for the Creek Nation was accompanied by the affidavit of Wilson Knight and Barney Yahola to the effect that said Peggy Willior died prior to April 1, 1899.

July 11, 1905, Betty Deere, the mother of said Peggy Willior, and the attorney for the Creek Nation were notified that the case was set for hearing August 7, 1905, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory. No appearances were made on the day set.

August 24, 1905, Peggy Mitchell, nee Willior, and William Mitchell appeared before this Office and gave testimony in the case. The Creek Nation was represented at the hearing by attorney.

Secretary 2

The evidence shows that said Peggy Willier did not die prior to April 1, 1899, and that she is now living.

I have the honor, therefore, to respectfully recommend that the enrollment of said Peggy Willier, whose name appears on the partial roll of citizens by blood of the Creek Nation opposite No. 6261, be allowed to stand.

A copy of the record in this case is herewith enclosed for Departmental consideration.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

JYN-B-24-1

934

C O P Y

LAND
79382-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

October 28, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

September 17, 1904, the Department, on motion of the attorney for the Creek Nation, re-opened the matter of the enrollment of Peggy Willier, whose name appears upon the partial approved roll of citizens by blood of the Creek Nation, at No. 6961 .

The motion of the attorneys of the Creek Nation was accompanied by the affidavits of Wilson Knight and Barney Yahola, to the effect that Peggy Willier died prior to September 1, 1902.

I now have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 2, 1905, stating that on July 11, 1905, Betsy Deere, mother of Peggy Willier, and the attorney for the Creek Nation, were notified that the case was set for hearing August 7, at Muskogee; that no appearances were made on the day mentioned; and that August 24, 1905, Peggy Mitchell, nee Willier, and William Mitchell, appeared before him and gave testimony in the case; that the Creek Nation was represented at the hearing by attorneys. The testimony in the case shows that Peggy Willier did not die prior to April 1, 1899, and that she is now living, and the Commissioner re-

commends that her enrollment at No. 5961 be allowed to stand.

The testimony in the case clearly shows that Peggy Mitchell Willier is living, and I concur in the recommendation of the Commissioner to the Five Civilized Tribes, that her enrollment be allowed to stand.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

#934

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.W.H.

FHE.

I.T.D. 14248-1906.

March 14, 1906.

LRS

The Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

October 2, 1905, you recommended that the enrollment of Peggy Willior, whose name appears on the partial roll of citizens by blood of the Creek Nation opposite No. 6961, be allowed to stand, the matter of her enrollment having been reopened by the Department on September 17, 1904, on motion of the attorney for the Creek Nation, accompanied by the affidavits of Wilson Knight and Barney Yahola to the effect that said Peggy Willior died prior to April 1, 1899, and it appearing from the testimony of Peggy Mitchell, nee Willior, and William Mitchell, taken August 24, 1905, that said Peggy Willior did not die prior to April 1, 1899, and that she is now living.

Reporting October 28, 1905, the Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department also concurs, and the enrollment of said Peggy Willior, now Mitchell, opposite No. 6961 on the partial roll of citizens by blood of the Creek Nation, will not be disturbed.

Respectfully,

(Signed) Thos Ryan.
First Assistant Secretary.

1 inclosure.

INCLOSURE ● 50026

FROM

OFFICE OF INDIAN AFFAIRS,
DEPARTMENT OF THE INTERIOR

CR EN 935

CR EN 935

Refer in reply to the following:

Land: 88606-1904
59020-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, September 7, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes dated August 25, 1904, concerning the application of ~~the~~ the attorney for the Creek Nation in the matter of the reopening of the enrollment case of Barney Thlocco whose name appears upon the approved partial rolls opposite No. 8592.

There is also enclosed a communication from the attorney for the Creek Nation dated August 9, last, transmitting the affidavit of Wilson Knight and Barney Yahola, wherein they state that they personally knew that said Thlocco died prior to April 1, 1899. From the communication of Mr. Mott it would appear that deeds numbered 9450 and 9451 have been issued in favor of said deceased citizen or his heirs. Mr. Mott's communication of the Commission's report does not show whether said deeds have been approved by the Department and delivered to the heirs of the deceased citizen. However, from the affidavit enclosed it seems that the Creek Nation should be given an opportunity to introduce testimony concerning the death of Barney Thlocco, and it is respectfully recommended that the case be re-opened, provided the deeds mentioned have not been approved and delivered to the heirs of the deceased citizen. If such action has been taken,

The Commission should make further report to the Department and take any action concerning the re-opening of said case or the introduction of additional testimony until they have been further instructed in the premises .

Very respectfully,

W.A. Jones,

Commissioner.

CAV-D.

P. M.

REFER IN REPLY TO THE FOLLOWING:

PH. 935

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 11, 1905.

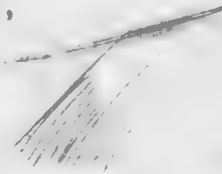
Alex Posey,
Clerk in Charge Creek Field Party,
Dustin, Indian Territory.

Dear Sir:

There is herewith enclosed copy of an affidavit of
Wilson Knight and Barney Yahola relative to the birth of
Barney Thlocco.

You are directed to investigate this case and secure
such evidence as you can obtain relative to the death of
said Barney Thocco.

Respectfully,



Commissioner.

AG-10-11-1

Cr. En. 938.

Muskogee, Indian Territory, October 10, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

August 25, 1904, the Commission to the Five Civilized Tribes transmitted to the Department a communication from the attorney for the Creek Nation in the nature of a motion to reopen the matter of the right to enrollment of Barney Thlocco, deceased, whose name is contained in a partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite No. 8592. Said motion was accompanied by an affidavit executed by Wilson Knight and Barney Yahola to the effect that said Barney Thlocco died prior to April 1, 1899.

The Commission to the Five Civilized Tribes, in its report transmitting said motion and affidavit, recommended that the case be reopened and that a hearing be ordered,

Secretary 2.

September 16, 1904 (I.T.D. 7234-1904), the Department reopened said case and referring to the fact, as shown by the records of this office, that deeds Nos. 9450 and 9451 covering the allotment selection made to said Barney Thlesco, deceased, have been issued (which said deeds were transmitted to the Principal Chief of the Creek Nation for delivery, on February 11, 1903), stated that,

"The Department does not believe that the question as to whether or not deeds have been issued to the deceased or his heirs should be considered in connection with the motion for rehearing, inasmuch as deeds to land constitute only a portion of the benefits incidental to Creek citizenship. If the name of the deceased appears on the roll erroneously, the error should be corrected."

July 24, 1905, this office received a communication from the attorney for the Creek Nation withdrawing all motions to reopen Creek enrollment cases filed by him prior to the meeting of the Creek Council in October, 1904.

October 2, 1905, a report was transmitted to the Department in the matter of the right to enrollment of Aaron McGirt, deceased, and it was recommended in said matter that in view of the facts in the case and of the action of the attorney for the Creek Nation in withdrawing his

Secretary 3.

motion to reopen same, that the enrollment of said Aaron McGirt, deceased, be allowed to stand.

The Department under date of November 3, 1905 (I.T.D. 14250-1905), directed that investigation be had as to the right to enrollment of said Aaron McGirt, deceased, stating that "it is not necessary for the Creek Nation to supply funds to investigate this matter. You are authorized to see that correct rolls of Creek citizens are made and have been furnished with the means necessary for that purpose."

In accordance with instructions as above set forth, an attempt was made to locate the heirs of said Barney Thlocco, deceased, by letter and through a Creek enrollment field party, but the effort in this direction was unsuccessful.

Wilson Knight and Barney Yahola, upon whose affidavit said case was reopened, having died, the testimony of other witnesses was taken in this matter by the Creek field party on October 21 and November 14, 1905, neither the Creek Nation nor the heirs of said deceased being represented at said hearings.

A hearing in this matter was set for February 19, 1906. No testimony or other evidence was introduced on said date.

I am of the opinion that the testimony introduced in the later proceedings, considered in connection with the

Secretary A.

affidavit of Wilson Knight and Barney Yabela, previously submitted, conclusively establishes the date of death of Barney Thlesse as prior to April 1, 1899, and respectfully recommend that authority be granted for the striking of the name of said applicant from the approved roll of citizens by blood of the Creek Nation opposite No. 3592.

The complete record in the case is transmitted herewith.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

AG-200

DEPARTMENT OF THE INTERIOR,

~~WASHINGTON, December 13, 1906.~~

Commissioner to the Five Civilized Tribes,

Muskegee, Indian Territory.

Sir:

October 10, 1906, you transmitted a report in reference to the right of Barney Thlecco, deceased, whose name is contained in a partial list of citizens by blood of the Creek Nation, opposite No. 8592, to enrollment as a citizen of said Nation.

By reason of an investigation held by you, you consider that said Barney Thlecco, died prior to April 1, 1899, and you therefore recommend that authority be granted for the striking of the name of said applicant from the approved roll of citizens by blood of the Creek Nation.

Reporting November 12, 1906 (Land 95459-), the Indian Office concurs in your recommendation.

The Department has this day canceled the name of Barney Thlecco, opposite No. 8592, from the partial list of citizens by blood of the Creek Nation, and has requested the Indian Office to take similar action on the roll in its possession.

You are hereby authorized to cancel said name from the roll in your custody

It appearing that deeds No. 9480 and 9481, covering the allotment selection made to said Barney Thlecco, deceased, have been issued and delivered heretofore, the Attorney-General has this day been requested to take such action as he may deem proper looking into the setting aside of said instruments.

Respectfully,

E.A. Hitchcock, Secretary.

Gr. No. 935

Muskogee, Indian Territory, January 4, 1907.

Clark in Charge,

Creek Land Office,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that in accordance with Departmental instructions of December 15, 1906, (I. T. D. 22754-1906), the name of Barney Thlacco has been stricken from the approved Roll of citizens by blood of the Creek Nation, opposite number 8592.

Respectfully,

(signed) Tom Kirby,
Commissioner.

ESC

J.M.H.

13476 Index

No. D.
Compared

@ 8592

State of Oklahoma
County of Creek

This instrument was filed in
this office for record on
the 12 day of March 1910
11 o'clock A.M. and duly
recorded in Book 45 at
Page 106

Lafayette
Register of Deeds

By _____ Deputy

Return to Commission to the State
Certified Copies must be
7-1-10

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Oklahoma, March 15, 1910.

TO WHOM IT MAY CONCERN:

You are hereby notified that it has been found, upon investigation, that Barney Thlease, Creek Roll by blood No. 8502, died prior to April 1, 1899, and is not, therefore, entitled to an allotment of land in the Creek Nation, and that immediate steps will be taken to cancel Creek Homestead and Allotment Deeds No's. 9450 and 9451, conveying to him the NW 1/4 of Section 9, Township 18 North and Range 7 East, same constituting the allotment selection made in his name under such enrollment.

WHA(VR)

Thos. Ryan
Acting Commissioner.

Post Office

Quest

NATION

Crest

ROLL

Card No. _____

3021

Blank No. 698
1M-2-16

Field No. _____

3456

[illegible]

CR EN 986

CR EN 936

Creek Enrollment
936

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JULY 10, 1906.

In the matter of the right to enrollment of Sarnoshka,
deceased as a citizen of the Creek Nation.

Appearances: L. M. Mott, attorney for Creek Nation.

Mitchell Compere being first duly sworn, testified as
follows:

Questions by Commissioner, through sworn interpreter.

- Q: What is your name? A: Mitchell Compere.
Q: How old are you? A: I am 30 and 3 days old.
Q: What is your post-office address? A: Yeager.
Q: Were you ever acquainted with a person by the name of
Sarnoshka? Yes sir, well acquainted with her.
Q: Is it a lady or an? A: Old lady.
Q: Is she living or dead? A: Dead.
Q: Are you related to her? A: No sir.
Q: Did you live near her during her life-time?
A: She lived away down in the Canadian but she just moved up
near me and died.
Q: Were you present when she died? A: I wasn't present.
Q: Were you present at her burial? A: I wasn't present.
Q: How do you know she died? A: I heard that she had died.
Q: How long afterward did you go into that neighborhood after
she died? A: It was nearly 2 years after she died.
Q: How long after she died did you hear of her death?
A: The night she was buried I heard of it.
Q: Have you seen her grave? A: Yes sir, seen it often.
Q: How soon after her death did you see that grave? A: 2 days
Q: Did they put a grave-house over it? A: Yes, there was a
house put over the grave but I wasn't present.
Q: Was there a head-board over it? A: Yes sir.
Q: Have you seen any writing on that head-board?
A: I didn't notice.
Q: Did you make any record of her death? A: No sir.
Q: Do you know when she died? A: Yes sir.
Q: How many years ago did she die? A: About 9 years ago.
It is about 9 years but I don't know exactly.
Q: Do you remember what year it was? A: I know the year.
Q: What year? A: 1899, January 8th.
Q: How do you happen to remember that date? A: The circum-
stances have made me remember that was the death of Micheal
Larney.
Q: When did he die? A: February 29, 1899.
Q: How do you happen to remember his death? A: I knew he
wasn't entitled to enrollment.
Q: Well did Sarnoshka die before Nichole Larney? A: Jan.
8th. one died and February the other one died.
Sarnoshka died January 8th, and Micheal Larney died
February 29th.
Q: Are you positive as to the 29th. of February? A: Yes sir
Q: If I were to tell you that the calendar shows there were
28 days in February 1899, would you correct your statement
in regard to Nichole Larney dying on the 29th?
A: I don't know.
Q: Do you think it was the last day in February? A: I swore
he died on the 29th. of February and I can't swear different
now.
Q: Why are you so positive in giving that date, you have no

record of it have you? A: When I inform myself on a certain fact and impress certain things on my mind, I always remember it.

- Q: Is she a relative of your? A: No.
Q: Do you remember the dates of death of very many other people
A: Not many.
Q: Is your mother living? A: She is dead.
Q: When did she die? A: When I was a baby.
Q: How old were you when she died? A: That I don't remember much about. About that big. (Indicating about 3 feet)
Q: Do you remember the date of her death? A: I heard it then but I don't know.
Q: When did your father die? A: 1902.
Q: What date? A: I don't remember the date.
Q: Do you think it is reasonable to state now that you remember the exact date of death of this person Barnoshka an old woman to whom you are not related and who died probably 7 or 8 years ago and yet you don't remember the date of death of your father who died 4 years ago and don't remember even the date of the death of your own mother, how do you account for that?
Q: The Indian people when they lose a relative, they don't rest their mind upon nothing but sorrow. They are continually in mourning, the heart is hurt.
Q: Do you know Barney Hopije and Jennie Hopije? A: Yes sir
Q: Are they living? A: Barney Hopije is dead.
Q: When did Barney die? A: I don't know the date because I was living some distance away and it was sometime after his death that they told me.
Q: Do you know whether Jennie Hopije received any notice from the commission notifying her of this hearing here today?
A: I live some distance away and don't know whether she got a notice or not.

Questions by L. E. Mott, attorney for Creek Nation.

- Q: How did you come to come here as a witness in this case?
A: I was brought here to testify in these matters that I knew something about.
Q: When did they first approach you about it? A: Ever since I was here before.
Q: Have you had any occasion to recollect the date upon which this applicant died, since you came here in March?
A: I came on my own knowledge when I was called for as a witness. If any person was to approach me to swear a falsehood I wouldn't go one step, I wouldn't go one step to swear to a falsehood.
Q: Have you ever been indicted for anything? A: The only thing I was ever charged with was whiskey and I was acquitted of that charge.
Q: What was your answer to Mr. Niles question that you could tell the date of death of this party and couldn't tell that of your father? A: My answer was my father died in 1902 but my feelings were so hurt that I paid no attention to it
Q: Wouldn't you be more likely to remember it if your feelings were hurt? A: My whole mind was this, who will support me, my father is dead.

Cornege Low, being first duly sworn, testified as follows:

Questions by Commissioner, through sworn interpreter:

- Q: What is your name? A: Cornege Low.
 Q: How old are you? A: 34.
 Q: What is your post-office address? A: Holdenville.
 Q: Were you acquainted with one Sarnoshka? A: Yes sir.
 Q: Were you living near her when she died? A: Yes sir.
 Q: Were you there at the house when she died? A: Yes sir.
 Q: Were you present when she was buried? A: Yes sir.
 Q: Are you any relation of hers? A: Yes sir.
 Q: What ~~xxx~~ relation are you? A: To my grand-mother.
 Q: Was there any head-board put on the grave? A: Yes sir.
 Q: Was there any record on the head-board? A: Yes sir.
 Q: Have you seen that record? A: The head-board was written and put there but I never read it.
 Q: Are you acquainted with any of the other heirs of Sarnoshka?
 A: Yes sir.
 Q: What are their names? A: Nichole Larney.
 Q: Was he her brother? A: Yes sir. My mother is her niece.
 Q: Is your mother living? A: Yes sir.
 Q: Do you know where this allotment that Sarnoshka got is located? A: Yes sir.
 Q: Do you know who is getting the rent from it? A: I do 't know.
 Q: Do you know Jennie Hophie? A: Yes sir.
 Q: What relation is she to you? A: No kin to me.
 Q: How many years ago did Sarnoshka die? A: This is about the eighth year.
 Q: In what year did she die? A: 1889.
 Q: Do you mean '98 or '89? A: '89.
 Q: Ten years before the ~~xxx~~ land office opened? A: It was very near the opening of the land office when she died.
 Q: Don't you think you mean the year '98 instead of the year '89? A: No, sir.

Questions by L. . Mott:

- Q: How many years before the land office opened? A: The 4th. month the land office opened, about the 4th. month after she died.
 Q: When did the land office open, what year?
 A: If I am not mistaken it was the 1st. day of April 1889.
 Q: Don't you know it was the 1st. day of April 1899? A: I made a mistake, I mean it was in 1899.
 Q: Can you count? A: I can count in my language.
 Q: Count back in Creek from 10 to 1? A: I can write it down.
 (Handing witness pencil and paper) Witness writes correctly
 Q: How many years ago did Sarnoshky die? A: It is not 8 years but it is over 7 years I know that.
 Q: What season of the year did Sarnoshka die? A: About Jan.
 Q: It was in the winter, cold weather? A: Yes it was cold weather but at the time of her death it wasn't very cold.
 Q: Then you think that Sarnoshky died in the month of January in what year? A: 1899.
 Q: Do you remember the date of the opening of the Creek Land office? A: I think it was in April, I am not certain.
 Q: What year? A: 1899.
 Q: How long after the land office opened/ did Sarnoshka die?
 A: She died before.
 Q: How do you happen to remember the date of the death of Sarnoshka so well? A: She was my grand-mother and I know it well.
 Q: Did you make a record of the death of Sarnoshka? A: I did not make a record of it.

- Q: Have you ever made a record of the death of any of your family that died? A: Yes sir I have a record.
- Q: You are one of the heirs of Sarnoshka aren't you?
- A: The reason I never bothered myself about it was I probably thought I was a heir but I knowing that she died before the land office opened, there was no use in her bothering about it.
- Q: How do you remember the date of the opening of the land office, how do you remember that date? A: I knew it upon the notice that was sent out by the Commission?
- A: I heard a notice had been sent out.
- Q: Did you file for yourself when you got your allotment or did someone file for you? A: I filed myself.
- Q: How long after the land office opened did you file?
- A: About a year after it opened and probably it was a little over a year, it was about a year and probably a little over.
- Q: How long after the death of your grand-mother did you file?
- A: I said it was something over a year but I don't know the exact date.
- Q: Have you had any talk with people out in that neighborhood with regard to the death of Sarnoshka? A: No sir.
- Q: Is it generally recognized among your friends and acquaintances and among the acquaintances of Sarnoshki that she died before the land office opened and was not entitled.
- A: Yes, if a person wanted to file for her fraudulently, but it is generally known she died before the land office opened.
- Q: There are heirs of Sarnoshki now living who are nearer related to her than you are there not? A: The Indian is this way, my mother's sister I call them granny, this Sarnoshki is my mother's aunt.
- Q: Did she leave any children? A: No sir.
- Q: Were there no descendants of Sarnoshki nearer to her than you are who are now living? A: She has no children.
- Q: Do you know who has received the land from her allotment?
- A: I don't know.
- Q: Do you know where the allotment is? A: I don't know where the allotment is.
- Q: Are you on friendly terms with other relatives of Sarnoshki?
- A: Yes sir.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date.

Julia C. Laval

Subscribed and sworn to before me this
23rd. day of July, 1906.

J. E. Harris
Notary Public.

See page following

Statement ~~for~~ by L. M. Mott, Attorney for Greek Nation:

National Attorney desires to state that in the examination of Lawyer Deere and Mitchell Compere, in the different cases, one after the other, their demeanor upon the stand impressed me with the conviction that their testimony was not of such a character as could be relied upon. The force of this cannot be appreciated by one merely reading the testimony, and I do not desire this statement to be understood as affecting the decision of the Commission in this case, and is meant to apply only to the two witnesses above mentioned, without regard to the testimony of other witnesses.

I, Julia C. Laval on my oath state that the above and foregoing is a true and correct statement of L. M. Mott taken in proceedings had in the matter of the application for the enrollment of Sarnoshka, on July 10, 1906, and the same is made a part of the record in this case according to the implied direction of Mr. Mott.

*Creek Enrollment
936*

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
YEAGER, I. T., OCTOBER 5, 1906.

In the matter of the enrollment of Sarnochka, deceased,
as a citizen by blood of the Creek Nation.

TONEY CHUPCO, being first duly sworn by Alex Posey, a
Notary Public, and examined, testified as follows:
Through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Toney Chupco.
Q How old are you? A Between 34 and 35.
Q What is your postoffice address? A Holdenville.
Q Are you a citizen of the Creek Nation? A Yes sir,,I belong to Tuckabatche town.
Q Did you know Sarnochka? A Yes sir, she was my grandmother.
Q Do you know when she died? A She died in the same month in which my father died, my father died January 29, 1899.
Q What was your father's name? A Micoe Chupco.
Q Did she die before or after your father died? A She died before my father died. She became sick while attending a church gathering at Jim Sippley's, on New Year's Day, and only lived about a week.
Q Were you present at her death? A Yes sir.
Q Did you attend her funeral? A Yes sir.
Q Are you positive that she died January, 1899? A Yes sir.
Q Did she die before or after the opening of the Creek Land Office? A She died just before people began selecting allotments.
Q We have a joint affidavit executed by Barney and Jennie Hopiye September 7, 1901 to the effect that Sarnochka died in the month of May, 1899. Is the date as given in that affidavit incorrect? A Yes sir, that is a mistake, she did not die in May, she died in January of that year, I know what I am talking about.
Q Are Barney and Jennie Hopiye relatives of Sarnochka?
A Barney was distantly related to Sarnochka; Barney is now dead, but his wife, Jennie, is living. I understand that Sarnochka was given an allotment of land by the Commission and I have always wondered why it was that my father was not also given an allotment of land, because if Sarnochka was entitled to

an allotment, my father was entitled to an allotment also.

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true, and correct transcript of his stenographic notes thereof.

James B. Myers

Subscribed and sworn to before me this 9th day of
October, 1906.

Notary Public

JBM

H 1501

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, March 20, 1907.
Creek Land Office.

In the matter of the application of Washington Long to make a tentative selection of land in the Creek Nation for his minor child, Bettie Long, whose name appears on Minor Creek Indian Roll opposite No. 180.

Washington Long, being first duly sworn by S. C. Pitts, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Washington Long.
- Q What is your post office address? A Yeager.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Wiley.
- Q Is she a citizen of the Creek Nation? A Yes, sir.
- Q Have you a minor child by the name of Bettie Long? A Yes, sir.
- Q Is this child now living? A Yes, sir.
- Q Is your object in appearing at this office to-day to select an allotment in the Creek Nation for your minor child, Bettie Long? A Yes, sir.
- Q Have you any land selected on which you wish to file her? A (Indicates), SW/4 of the SE/4 of Section 3 and the E/2 of the NW/4 of section 10, Township 7 North, Range 11 East.
- Q Have you been ever and examined this land with the view of making application for it? A Yes, sir.
- Q Are you fully informed as to the location of the same and the character of the soil? A Yes, sir.
- Q Are there any improvements on this land? A Yes, sir.
- Q Of what do they consist? A House and fence.
- Q About how many acres of this land is in cultivation? A About 30 acres.
- Q Who is the owner of these improvements? A Ray.
- Q Is he a white man? A A white man.
- Q Where does he live? A Wetumka.
- Q Have you obtained permission from him to file on these improvements? A No.

Continued testimony.

- Q The land for which you have applied as the allotment for Bettie Long is described as the SW/4 of the SE/4 of Section 3 and the E/2 of the NW/4 of Section 10, Township 7 North, Range 11 East, but was on January 1, 1902, selected in an allotment for Sarnochka, deceased Creek Indian, Roll No. 85802. The deeds for this land to the said Sarnochka, deceased, were prepared by this office, executed by the Principal Chief, approved by the Department, recorded in this office and delivered to the heirs, but it afterwards developed that Sarnochka, deceased, was not entitled to enrollment in the Creek Nation. By order of the Department under date of November 21, 1906 (I.T.D. 22756-1906), Commissioner's No. (51160-1906), the name of Sarnochka was stricken from the roll of Creek Indians. The deeds, however, to this allotment were not canceled by this office for the reason that they have been delivered to the heirs of the allottee, and it was necessary before they be canceled that an order from the proper courts be secured. You understand these facts do you?
- A Yes, sir.
- Q You understand that until these deeds have been canceled that no certificates or deeds will be issued in the name of your child, you understand that do you? A Yes, sir.
- Q You understand that a tentative selection, which we receive from you to-day, for the land of your child is to be held up and not made regular until these deeds outstanding in the name of Sarnochka be canceled? A Yes, sir.
- Q You are willing to make the application for this land knowing these facts, and knowing your child cannot get the land until these deeds have been canceled are you? A Yes, sir.

WITNESS EXCUSED.

Raphael Lowrey, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes taken in said cause on April 4, 1907.

Subscribed and sworn to before me April 4, 1907.

D. C. Pitt.
Notary Public.

April 4, 1907.

Commissioner.

Copy

Muskogee, I. T., August 16, 1904.

Lawyer Deer and Thomas Long personally appeared before me and after being duly sworn say that they knew intimately
..... *Samuel K.* and that *she* died prior to April 1st, 1899. And they further swear that they have talked to different people, among them relatives of the deceased who will make oath that said deceased party died before the 1st day of April, 1899.

..... *Lawyer Deer*
mark

Witness
Amisen

..... *Thomas Long*
mark

Subscribed and sworn to before me this ... ²¹ 16 ... day of August, 1904.

..... *Wm. J. Martin Jr.*
Notary Public.

My Commission Expires.....

Executive Office,
MUSKOGEE NATION.

P. PORTER, Principal Chief.
M. L. MOTT, National Attorney.

Cox

Muskogee, Indian Territory,

Sept. 3rd 1904.

Hon. W. A. Hitchcock,

Sect. of the Interior.

Washington, D. C.

My dear Sir:-

Affidavits having been made that Jarrochle Bell No. 8080.
Deed No. 10004 died prior to April 1st 1900. I will thank you to
direct reopening of the case that I may have opportunity to offer
this testimony. I have several additional witnesses to offer in
support of these affidavits upon rehearing of the case.

Yours very truly,

National Attorney.

EM

Muskogee, Indian Territory, September 14, 1904.

The Honorable

The Secretary of the Interior.

Sir:-

The name Sarnochka is contained in the partial list of citizens by blood of the Creek Nation, approved March 28, 1902, No. 8580.

September 3, the attorney for the Creek Nation delivered to the Commission, for transmission to the Department, a communication, in the nature of a motion to re-open the case, and an affidavit, executed by Lawyer Deer and Thomas Long, relative to the date of death of said Sarnochka. It appears from said affidavit that Sarnochka died prior to April 1, 1899.

It is recommended that the case be re-opened and that a rehearing be ordered.

The Communication from the Creek Attorney and the affidavit of Lawyer Deer and Thomas Long are inclosed herewith for Departmental consideration.

Respectfully,

Through the
Commissioner of Indian Affairs.

Chairman.

DCS. 6-14/4.

E.M.

Muskogee, Indian Territory, September 14, 1904.

E. B. Miller,

Chief Clerk,

Creek Land Office.

Dear Sir:

You are directed to suspend action in the matter of making allotment of lands in the Creek Nation to the heirs of Sarnochka, deceased, whose name appears on the Approved Creek Indian Roll, No. 8580, until further advised.

The attorney for the Creek Nation has asked the Department to re-open the case, relative to the enrollment of said Sarnochka, on the ground that he has evidence sufficient to establish the fact that Sarnochka died prior to April 1, 1899.

Respectfully,

Chairman.

Land.

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64365-1904

Wash.

September 26, 1904.

The Honorable,
The Secretary of the Interior.
Sir:

There is enclosed a report from the commission to the Five Civilized Tribes, dated September 14, 1904, transmitting affidavit of Lawyer Deer and Thomas Long, relative to the death of Sarnochka, who has been enrolled as a citizen by blood of the Creek Nation at No. 8580.

They state in said affidavit that Sarnochka died prior to April 1, 1899. There are also before this office and enclosed herewith similar affidavits of the two affiants mentioned, relative to the death of Aaron McGirt, No. 8579, Waspee, No. 9010, Polly Larney, No. 8943, Millie Davie, No. 6966 and George Washington, No. 5324.

In view of the position taken by this office and in order that the whole subject may be before you, I have concluded to forward all of the Commission's reports and the affidavits mentioned with this report.

The affiants with reference to the death of Sarnochka say that they knew her intimately and that she died prior to April 1, 1899.

Their affidavit with reference to Aaron McGirt is identical with the one just mentioned and the Commission say that proof of death in this case has been filed by Palmer Noon, half-brother of the deceased citizen and two acquaintances, which shows that Aaron McGirt died March, 1900.

The Commission reports that from their reports records it appears that Thomas Long, one of the affiants in the affidavit mentioned, filed with them September 12, 1901 affidavit stating that Polly Larney died August 6, 1899 and that the affidavit of the grandmother of Polly Larney is to the same effect.

The Commission's report relative to Waspee shows that an Uncle, an aunt and two acquaintances made affidavit that the said Waspee died subsequent to April 1, 1899 and that from their records it appears that James Davis, husband of Millie Davis and Selena Davis made affidavit that Millie Davis died on October 4, 1899.

The Commission does not make any statement with reference to what their records shows concerning the death of George Washington.

Accompanying each report of the Commission is a communication from Mr. Mott, attorney for the Creek Nation, requesting that the cases be reopened and a rehearing had and the Commission recommend that his request with reference to all the cases be granted.

This office is unwilling to recommend the reopening of these cases on the affidavits before it. They are all in the same form and several of them are carbon copies of an original, and in each instance a blank space was left to insert the name of the person to whom the affidavit relates. The names of the affiants however, are

(2)

in typewriting. Furthermore, it is not shown by the affidavits whether the affiants lived in the same vicinity that the deceased persons lived during their lifetime, although the affiants state they knew each intimately.

The Commission's report relative to Polly Larney, Land 64363, shows that Thomas Long, one of the affiants in each of the cases herein mentioned, filed with the Commission September 12, 1901 his affidavit stating that Polly Larney died August 6, 1899 and it is believed that his action itself is sufficient to warrant the Department in refusing to reopen the cases on the information before it, and I respectfully recommend that the Commission be advised that said cases will not be reopened on the affidavits presented.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

GAW:LM.

Land.

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COPY

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated September 14, 1904, transmitting affidavit of Lawyer Deer and Thomas Long, relative to the death of Sarnochka, who has been enrolled as a citizen by blood of the Cherokee (Creek ?) at No. 8580.

They state in said affidavit that Sarnochka died prior to April 1, 1899. There are also before this office and enclosed herewith similar affidavits of the two affiants mentioned, relative to the death of Aaron McGirt, No. 8579, Waspee, No. 9010, Polly Larney, No. 8943, Millie Davis, No. 8966 and George Washington, No. 8324.

In view of the position taken by this office and in order that the whole subject may be before you, I have concluded to forward all of the Commission's reports and the affidavits mentioned with this report.

The affiants with reference to the death of Sarnochka say that they knew her intimately and that she died prior to April 1, 1899.

Their affidavit with reference to Aaron McGirt is identical with the one just mentioned and the Commission ^{say} that proof of death in this case has been filed by Palmer Noon, half brother of the deceased citizen and two acquaintances, which shows that Aaron McGirt died in March, 1900.

The Commission ~~may~~ reports that from their records it appears that Thomas Long, one of the affiants in the affidavit mentioned, filed with them September 12, 1901, affidavit stating that Polly Larney, died August 6, 1899, and that the affidavit of the grandmother Polly Larney is to the same effect.

The Commission's report relative to Waspee shows that an uncle an aunt and two acquaintances made affidavit that the said Waspee died subsequent to April 1, 1899, and that from their records it appears that James Davis, husband of Millie Davis and Selena Davis made affidavit that Millie Davis died on October 4, 1899.

The Commission does not make any statement with reference to what their records show concerning the death of George Washington.

Accompanying each report of the Commission is a communication from Mr. Mott, attorney for the Creek Nation, requesting that the cases be reopened and a rehearing had and the Commission recommend that his request with reference to all the cases be granted.

This office is unwilling to recommend the reopening of these cases on the affidavits before it. They are all in the same form and several of them are carbon copies of an original, and in each instance a blank space was left to insert the name of the person to whom the affidavit relates. The names of the affiants however, are in typewriting. Furthermore, it is not shown by the affidavits whether the affiants lived in the same vicinity that the deceased persons lived or the affiants during their lifetime, although the affiants state they knew each ~~x~~ intimately.

The Commission's report relative to Polly Larney, Land, 64363, shows ~~x~~ that Thomas Long, one of the affiants in each of the cases herein mentioned, filed with the Commission September 12, 1901, his

affidavit stating that Polly Larnoy died August 8, 1892, and it is believed that this action itself is sufficient to warrant the Department in refusing to reopen the cases on the information before it, and I respectfully recommend that the Commission be advised that said cases will not be reopened on the affidavits presented.

Very respectfully,

A.C.Tenner,

Acting Commissioner.

GAV-IM.

COMMISSIONERS:
TAMM BIXBY,
THOMAS A. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. REALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Official and copy
COPY.

REFER TO REPLY TO THE FOLLOWING:

FHE.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

I. T. D. 8140-1904.

Wash

October 1, 1904.

g.p.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

September 14, 1904, you transmitted an affidavit of Lawyer Deer and Thomas Long, relative to the death of Sarnochka, who has been enrolled as a citizen by blood of the Creek Nation, opposite No. 8580, from which it appears that the party died prior to April 1, 1899.

Reporting in the matter September 26, 1904, the Acting Commissioner of Indian Affairs submitted similar affidavits of the two affiants mentioned, relative to the death of Aaron McGirt, roll number 8579, Waspee, No. 9010, Polly Larney, No. 8943, Millie Davis, No. 6966, and George Washington, No. 5324.

The acting Commissioner points out discrepancies between affidavits filed at different times as to the death of several of these parties, and states that he is unwilling to recommend the re-opening of the cases, as recommended by you, on the affidavits now presented, and calls attention to the fact that the affidavits are all of the same form and several of them are carbon copies of the

(2)

original, and in each instance a blank space was left to insert the name of the person to whom the affidavit relates.

The attorney for the Creek Nation requests that the cases be reopened, and that a rehearing be had in each.

Even though the affidavits submitted may not be entirely satisfactory, there appears to be no reason why careful investigation should not be had by you to determine whether the enrollment of these persons was proper. The authority requested is therefore granted. The papers received with the Acting Commissioner's letter, except your report, are inclosed, together with a copy of the Acting Commissioner's letter. If deemed necessary, you can require further affidavits before proceeding with the investigation.

Respectfully,

(Signed) Thomas Ryan.

Acting Secretary.

10 inclosures

Muskogee, Indian Territory, July 11, 1905.

Barney Hopiye,

Wetumka, Indian Territory.

Dear Sir:

October 1, 1904, the Department reopened the matter of the right to enrollment of your aunt, Sarnochka, deceased, as a citizen by blood of the Creek Nation, and ordered a rehearing in said case.

You are hereby notified that said case is set for rehearing at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, August 8, 1905. Evidence is particularly desired tending to show the exact date of the death of said Sarnochka.

The Creek Nation will be permitted to introduce evidence in said case at the same time and place.

Respectfully,

Register.

Commissioner.

Muskogee, Indian Territory, July 11, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

October 1, 1904, the Department granted your motion for rehearing in the matter of the application for the enrollment of Sarnookka, deceased, as a citizen by blood of the Creek Nation, and ordered a rehearing in said case.

You are hereby notified that said case is set for rehearing at the office of the Commissioner to the Five Civilized, in Muskogee, Indian Territory, August 8, 1905. Evidence is particularly desired tending to show the exact date of the death of said Sarnookka.

The Creek Nation will be permitted to introduce evidence in said case at the same time and place.

Respectfully,

Commissioner.

Muskogee, Indian Territory, November 13, 1905.

Alex Rosey,

Okemah, Indian Territory.

Dear Sir:

You are directed to take testimony for the purpose of ascertaining the exact date of the death of Sarnochka (deceased) whose name is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1901, opposite No. 8580.

September 14, 1904, the right to enrollment of said Sarnochka was reopened by the Secretary of the Interior on motion of the attorney for the Creek Nation. Said motion was accompanied by affidavit of Lawyer Deane and Thomas Long to the effect that said Sarnochka died prior to April 1, 1899. There are on file in this Office affidavits executed September 7, 1901, by Barney Hopiye, a nephew, and Jennie Hopiye, an acquaintance of said Sarnochka to the effect that said Sarnochka died in the month of May, 1899. The postoffice address of said Barney and Jennie Hopiye is given as Wetunka, Indian Territory.

Respectfully,

Commissioner.

Cr.En. 936.

Muskogee, Indian Territory, October 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

September 14, 1904, the Commission to the Five Civilized Tribes transmitted to the Department a communication from the attorney for the Creek Nation in the nature of a motion to reopen the matter of the right to enrollment of Barnochka, deceased, whose name appears on the partial roll of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite No. 8580. Said motion was accompanied by an affidavit executed by Lawyer Deere and Thomas Long to the effect that said Barnochka died prior to April 1, 1898.

It appears from the records of this office that on September 7, 1901, there was filed proof of death in

Secretary 2.

this case in the form of affidavits executed by Barney Hopiye, a nephew, and Jennie Hopiye, an acquaintance, to the effect that said Barnochka died in the month of May, 1899.

October 1, 1904 (I.T.D. 8140-1904), the Department reopened said case and authorized the Commission to investigate whether the enrollment of said Barnochka, deceased, was proper.

In compliance with verbal requests of the attorney for the Creek Nation, action in this case was suspended from time to time until July 11, 1905, on which date the parties in interest were notified that the case was set for hearing August 8, 1905, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory. No appearances were made on the day set.

July 24, 1905, this office received communication from the attorney for the Creek Nation withdrawing all motions to reopen Creek enrollment cases filed by him prior to the meeting of the Creek council in October, 1904.

October 2, 1905, a report was transmitted to the Department in the matter of the right to enrollment of Aaron McGirt, deceased, and it was recommended in said matter that

Secretary 3.

in view of the facts in the case and of the action of the attorney for the Creek Nation in withdrawing his motion to reopen same, that the enrollment of said Aaron McGirt, deceased, be allowed to stand.

The Department under date of November 3, 1905 (I.T.D. 14250-1905), directed that an investigation be had as to the right to enrollment of said Aaron McGirt, deceased, stating that "it is not necessary for the Creek Nation to supply funds to investigate this matter. You are authorized to see that correct rolls of Creek citizens be made, and have been furnished with the means necessary for that purpose".

In accordance with instructions as above set out, a hearing as to the right to enrollment of Barnechka, deceased, was set for February 19, 1906. No appearances were made on said date.

The parties in interest were notified that a hearing would be had on July 6, 1906. No appearances were made on said date but on July 10, 1906, testimony was taken in this matter. Further proceedings were had before the Creek enrollment field party at Yeager, Indian Territory, October 5, 1906.

As to the character of the testimony of Mitchell Compere, a witness on behalf of the nation, attention is invited to the statement of M. L. Mott, attorney for the Creek Nation, made at the conclusion of proceedings had on the date last mention-

Secretary 4.

ed, to the effect that it is his opinion that the testimony of said Mitchell Compere is not of such a character as could be relied upon.

Granting that no weight should be attached to the testimony of said Mitchell Compere, I am of the opinion that the testimony of Cornage Low and Toney Chupoe, grandsons of the deceased applicant, conclusively establishes the date of death of Sarneohka as prior to April 1, 1899.

I, therefore, respectfully recommend that authority be granted for the striking of the name of Sarneohka from the approved roll of citizens by blood of the Creek Nation.

It appearing from the records that an allotment selection of land in the Creek Nation was made to said Sarneohka, deceased, on January 17, 1902, and that deeds Nos. 10004 and 10004-A, prepared to cover said allotment were on September 19, 1904, duly recorded in the office of the Commission to the Five Civilized Tribes, it is respectfully recommended, in view of the provisions of section five of the Act of Congress approved April 26, 1906 (34 Stats., 137), that steps be taken looking to the cancellation of said deeds, and that the matter be referred to the Attorney General for such action as may be deemed proper in the premises.

A complete copy of the record in the case is herewith

Secretary S.

inclosed, also deeds Nos. 10004 and 10004-A herein referred to.

Very respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

JYM-11-1-B

7424

REFER IN REPLY TO THE FOLLOWING:

En. 936

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 8, 1906.

Aaron McGirt,

Holdenville, Indian Territory.

Dear Sir:

You are hereby advised that in accordance with Departmental instructions of November 21, 1906, the name of your grand-mother Sarnochka, deceased, has been stricken from the approved roll of citizens by blood of the Creek Nation opposite Roll number 8580.

Respectfully,


Acting Commissioner.

En. 936

Muskogee, Indian Territory, December 8, 1906

M. L. Mett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that in accordance with Departmental instructions of November 21, 1906, the name of Sarnochka, deceased, has been stricken from the approved roll of citizens by blood of the Creek Nation opposite Roll number 8580.

Respectfully,

Acting Commissioner.

*encl
En. Cox #936*

(COPY)

Muskogee, Oklahoma, December 28, 1921.

The Attorney General,
Washington, D.C.

Sir:

United States vs. Toney Chupco, et al.,
No. 582 Equity; Dept. file N-CSK-197608:

This is one of the suits to cancel the allotment and homestead deeds issued in 1904 to the heirs of Sarnochka, a deceased full blood Creek Indian. The suit was instituted prior to Statehood and the Bill alleges that the enrollment of this Indian was procured upon false testimony to the effect that she was living on April 1, 1899, whereas she was dead at that time. At the time the suit was begun, there were only three defendants, but the Bill has been supplemented several times until there are now some fifty or sixty. The original heirs are dead and there is no method known to this office of determining who are the heirs of this Indian. Attempts have been made ever since the suit was filed to ascertain who these heirs are, but without success, and it is probable that a correct ascertainment of them can not be made. In view of this condition, and in further view of the decisions of the United States Supreme Court and the Circuit Court of Appeals for the Eighth Circuit, to-wit:

U.S. vs. Wildcat, et al.,	244 U.S. 111, 118, 124;
U.S. vs. Atkins, et al.,	233 Fed. 177;
	268 Fed. 923;
U.S. vs. Lena, et al.,	261 Fed. 144;
U.S. vs. Porter, et al.	260 Fed. 1,

where practically the same questions are involved that are found in this case, it is, therefore, respectfully recommended that this cause be dismissed and this file finally closed.

Respectfully,

For the United States Attorney,

Special Assistant United States
Attorney.

OHG-H

*encl
En. Cas #936*

(COPY)

December 28th, 1921.

Honorable Chas. H. Burke,
Commissioner of Indian Affairs,
Washington, D.C.

Dear Sir:

Replying to your request of November 23rd, for recommendation as to the action which should be taken in the case of the United States vs. Tony Chupco, equity number 583, in which it is sought to cancel the allotment of one Sarnochka, I have been unable to find any record of this case in my office, but have examined the files in the office of the Court Clerk and have otherwise informed myself about the nature of this case.

As I understand this case, it is one which rests entirely on the proposition that Sarnochka died prior to April 1st, 1899 and was, therefore, not entitled to an allotment. It has apparently been impossible to determine definitely who the heirs are but certain persons claiming to be heirs have made deeds and the record indicates that the title is now being claimed by James A. Chapman. It also appears that Chapman acquired his title from these alleged heirs after the suit was filed, and is therefore not in a position to claim immunity because of being an innocent purchaser.

However, I am unable to distinguish this case from the case of Barney Thiooco, Tommy Atkins, Emma Cogger and other cases where it has been held that the finding of the Dawes Commission as to the right of an allottee to be enrolled is conclusive in the absence of fraud or gross mistake of fact, and to all intents and purposes is resadjudicata. In this particular case an attempt was made to strike the name from the roll prior to March 4th, 1907, but no notice appears to have been given to those now claiming to be the heirs. On this state of facts, this case clearly comes within the decision of the Courts in the cases above mentioned. I, therefore, recommend that the pending case, equity number 583, be dismissed.

Very truly,

AJW. b

CREEK NATIONAL ATTORNEY.

PAGE. 1641. 91851/18 7-22
Semi-Private- 502 O'H.

In re U.S. v. Tony Sharpe
et al., Equity 825, involving
allotment of Sarnookha, Creek
Case. ENCLOSURES.
Lmd 3/31/22
WHL- TK

March 31, 1922.

The Honorable
The Commissioner of Indian Affairs.

Sir:

Referring to Indian Office letters of January 24 and March 20, 1922, and my report of March 20, 1922, concerning the above mentioned case, involving the cancellation of allotment deeds issued to said Sarnookha, I am enclosing herewith the files in the case which were transmitted with your said letter of January 24, 1922.

It is noted that the papers in the matter of the application for the enrollment of Sarnarkey (deceased) as a citizen by blood of the Creek Nation, is attached to the record in the Sarnookha case. It appears that Sarnarkey is an entirely different person from Sarnookha and that the application for his enrollment was denied by the Commission to the Five Civilized Tribes on February 17, 1908, which action was approved by the Department on February 17, 1908. Sarnarkey was never enrolled as a Creek citizen.

Respectfully,

Superintendent for the
Five Civilized Tribes.

*The Dept. Letter
Book of March 20, 1922
for full report on
this matter
WHL*

12040

Land-Probate FCI
V-22
91551-16
O'H

DEPARTMENT
RECEIVED
JAN 27 1922
432
Supt. Probate

JAN 24 1922

Mr. Victor M. Locke, Jr.,
Supt., Five Civilized Tribes,

Dear Mr. Locke:

Transmitted herewith is file of this Office (91551-1816 Creek 065) relative to the case of the United States vs. Tony Chupoo et al., No. 183 Equity, United States District Court, Eastern District, Oklahoma.

Your attention is directed to letter of Attorney A. J. Ward, dated December 28, 1921, relative to the heirs of Bernochke, and the purchase of the land involved by James A. Chapman after the above indicated suit was filed. Also, in the third paragraph of the letter that pert relative to the notice of hearing held to strike the name of Bernochke from the roll prior to March 4, 1907.

You are requested to transmit to this Office any data your files may contain relative to this case other than that now in the file of this Office herewith, especially data relative to the heirs of said Bernochke, and the notice of the hearing to strike the name of Bernochke from the roll held prior to March 4, 1907.

If your files do not contain a record of the heirs of the above indicated allottee, steps should be taken to determine who they are. You should also forward any data or information that will aid in the determination of this case. You should advise if in your opinion Section 2220 Revised Laws of Oklahoma 1910 was violated by the conveyance of this land to Chapman while the same was the subject of controversy in the United States Court.

Please give this your prompt attention as it is desired to advise the Department of Justice as early as practicable relative to this case. With your report submitting data called for, return the inclosed file and submit such recommendation as you may deem proper relative to the advisability of further wrging this case in the United States Court.

Cordially yours,



Commissioner.

1-20-CMS

(Carbon copy to A. J. Ward,
Creek Tribal Attorney)

(Carbon copy hereof to
Department of Justice (R CSR 178728-18))

(COPY)

12049

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7-22

Jan 24 1922

Mr. Victor M. Locke, Jr.,
~~Supt., Five Civilized Tribes.~~

Dear Mr. Locke:

Transmitted herewith is file of this Office (91551-1916 Creek 053) relative to the case of the United States vs. Tony Chapco et al., No. 582 Equity, United States District Court, Eastern District, Oklahoma.

Your attention is directed to letter of Attorney A.J. Ward, dated December 28, 1921, relative to the heirs of Sarnochka, and the purchase of the land involved by James A. Chapman after the above indicated suit was filed. Also, in the third paragraph of the letter that part relative to the notice of hearing held to strike the name of Sarnochka from the roll prior to March 4, 1907.

You are requested to transmit to this Office any data your files may contain relative to this case other than that now in the file of this Office herewith, especially data relative to the heirs of said Sarnochka, and the notice of the hearing to strike the name of Sarnochka from the roll held prior to March 4, 1907.

2259 If your files do not contain a record of the heirs of the above indicated allottee, steps should be taken to determine who they are. You should also forward any data or information that will aid in the determination of this case. You should advise if in your opinion Section 2229 Revised Laws of Oklahoma 1910 was violated by the conveyance of this land to Chapman while the same was the subject of controversy in the United States Court.

Please give this your prompt attention as it is desired to advise the Department of Justice as early as practicable relative to this case. With your report submitting data called for, return the inclosed file and submit such recommendation as you may deem proper relative to the advisability of further urging this case in the United States Court.

Cordially yours,

Chas. H. Burke,

Commissioner.

1-20-CMS
(Carson copy to A.J. Ward,
Creek Tribal Attorney)

COPY

DEPARTMENT OF THE INTERIOR

Washington.

April 22, 1922.

The Honorable

The Attorney General.

Dear Mr. Attorney General:

Answering further your letter dated June 29, 1920 (N RSC 197602-), I have the honor to transmit herewith duplicate copies of reports of the Superintendent for the Five Civilized Tribes and the Creek National Attorney relative to the case of the United States v. Toney Chupee, et al., No. 583 Equity, United States District Court, Eastern District, Oklahoma, and advise you that I concur in the recommendations of both officials that the above entitled case should be dismissed.

Respectfully,

(Signed) F. M. Goodwin,

Assistant Secretary.

Inclosure No. 12627

To Secretary

Apr 19 1922

For Signature.

CR EN 937

CR EN 937

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JULY 10, 1906.

In the matter of the right to enrollment of Aaron McGirt, deceased as a citizen of the Creek Nation.

Appearances: L. M. Mott Attorney for Creek Nation.

Mitchell Compere being first duly sworn, testified as follows: Through sworn interpreter, Wm. McCombs.

- Q: What is your name? A: Mitchell Compere.
Q: How old are you? A: 30
Q: What is your post office address? A: Yeager.
Q: Were you ever acquainted with a person by the name of Aaron McGirt? A: Yes sir.
Q: Is he living? A: No sir, he is dead.
Q: Are you related to him in any way? A: No sir.
Q: How old was he when he died? A: 25 or probably a little older than 25.
Q: Did you live near him during his life-time?
A: Yes sir, we were neighbors.
Q: How near did you live to him? A: About 5 miles.
Q: Were you present when he died? A: No sir.
Q: Did you attend his funeral? A: I wasn't present.
Q: How long after his funeral did you hear of his death?
A: Just a day.
Q: How did you happen to hear of his death? A: Jimmy Noon told me.
Q: Is Jimmy Noon any relation to the deceased? A: I don't know whether they are related or not but he died at Jim Noon's house.
Q: How far did Jim Noon live from you? A: About 13 miles.
Q: You say you heard of McGirt's death the next day? A: Yes sir.
Q: How did Jim Noon happen to tell you? A: Met me at Holdenville.
Q: What was Jim Noon doing there? A: I didn't ask him his business.
Q: What season of the year was it that you met him at Holdenville and he told you that McGirt was dead?
A: Just about the opening of spring.
Q: Had there been any planting done at that time?
A: I don't know because it was sometime in March.
Q: How many years ago was that? A: It is between 7 and 8 years ago, probably 9.
Q: Do you know when the opening of the Creek Land office was?
A: Yes sir.
Q: Did Jim Noon tell you that McGirt died before the land office opened or after it had opened? A: Before.
Q: Did you make any record of the death of McGirt?
A: No sir.
Q: How do you happen to remember it so well? A: I know it by the circumstances of Vaspee's death.
Q: What were these circumstances? A: Tony Green was waiting on McGirt while he was sick and the very night he left there that night McGirt died and just after that Vaspee died.
Q: Well how do you connect this circumstance with the date of death of any of these people? A: I know the circumstance of their death that is the way I connect it.
Q: Were you acquainted with James Noon and Palmer Noon?
A: I know them well myself, Jim Noon and Palmer Noon and the train run over Palmer Noon and killed him.

- Q: How long after the death of McGirt was it that Palmer Noon was killed by this train, how many months?
- A: About 2 years. That Palmer was killed by the train.
- Q: Did you know Jackson Hickory? A: I know him well.
- Q: Is he living? A: Yes sir.
- Q: Is his post-office Holdenville? A: I think Barnett is his post-office.
- Q: Have you seen him lately? A: He not lately.
- Q: How long ago? A: About 3 months ago.
- Q: Did you talk with him about the date of death of McGirt.
- A: I just saw him at a distance in the town at Tecumaha.
- Q: Do you know any of the other heirs of McGirt except Jackson Hickory or Jimmy or Palmer Noon? A: Yes sir.
- Q: Whom? A: Jackson McGirt is his brother. Houston McGirt is a younger brother.
- Q: Are they living? A: Yes sir.
- Q: Do you know whether they knew anything about this hearing here today? A: Jackson McGirt lives about 30 steps from where I live and we talked about it the same morning I left home.
- Q: Did you talk to Jackson McGirt about coming up here?
- A: We talked about it the same morning I left home.
- Q: What did Jackson McGirt say about it? A: He didn't say anything.
- Q: You live near Jackson McGirt, you are his immediate neighbor
- A: I can talk to him from my house and he can talk to me from his house.
- Q: Haven't you ever talked with Jackson McGirt or any of the members of his family about the death of Aaron?
- A: Yes, we frequently talked about the death of Aaron.
- Q: What has Jackson told you about his death? A: He never told me about the date of his death.
- Q: Are you on friendly terms with Jackson and other members of his family? A: We haven't got anything against each other at all.
- Q: Do you know where the allotment is of Aaron McGirt?
- A: I don't know where they filed him.
- Q: What month in the year did Aaron die? A: It was the 1st or 2nd of March.
- Q: What year? A: 1899.
- Q: I will ask you again how do you happen to remember, what circumstance causes you to remember it was the 1st or 2nd of March 1899? A: About the death of Waspee.
- Q: Did McGirt die before or after Waspee? A: McGirt died the 1st. or 2nd. and the 25th. of the same month, Waspee died.
- Q: How do you happen to remember the exact date of death of Waspee? A: I knew that because just following that the land office was opened.
- Questions by L. M. Mott:
- Q: Can you fix positively the death of any other parties, the date? A: There is some that I know and some that I don't know.
- Q: When was it you said yesterday your father died?
- A: My testimony was that he died in 1902 but the date I couldn't say.
- Q: You stated yesterday that you couldn't give the date of your father's death did you not? A: Yes sir.
- Q: What ~~monum~~ interest have you got in this matter?
- A: I haven't got any interest at all.
- Q: Why did you come here to testify? A: I came as a witness because I knew they wanted me, if I thought I wouldn't have had to come, I would have stayed home and plowed ground

- Q: You knew you were not obliged to come didn't you?
 A: I got the notice they wanted witnesses in this case and when I got that notice I felt like I had to come.
 Q: It is very strange to me that you can't give any better reason, fixing so positively and with so much accuracy the date of death of these people and give no better reason for it than you have given? A: I know my oath I wouldn't swear a thing that was not so, I will have to swear just so much as I know about it and no more. It would be sin against God to do that.
 Q: The very great grief that you express, that from which you were evercome when your father died, ought to have the effect of fixing indelibly upon your mind the date of his death rather than to escape your memory.
 A: White people notice the death of their people and make records of it but the Indians don't do that.
 Q: I want to say this to you, that in this case in which you appear as a witness that while the Nation wants these names off the roll ~~for the purpose~~ if these parties are not entitled to be on it, yet if they are, any proof and any evidence that would entitle them to be enrolled ought to be given and the Nation does not want their names stricken from the roll nor do they want any testimony tending that way. I would a great deal rather they would ~~be stricken~~ remain on the roll than taken off if they are entitled to be under the law. I wish you and all of the witnesses to bear that in mind in giving your testimony in this and any case hereafter.
 A: All right.

By Commissioner: James Noon, Palmer Noon and Jackson Hickory all of whom have made affidavits as to the date of death of Aaron McGirt, which said affidavits are on file in this office on June 15, 1906 notifying them of this hearing. None of the persons mentioned have appeared before this office on the date stated for this hearing nor are they here today or represented by attorney

Tony Larney being first duly sworn, testified as follows:
 By Commissioner, through sworn interpreter Wm. McCombs:

- Q: What is your name? A: Tony Larney.
 Q: What is your age? A: About 34 or 35.
 Q: What is your post-office address? A: Yeager.
 Q: Were you ever acquainted with one Aaron McGirt? A: Yes sir
 Q: Is he dead? A: Yes sir.
 Q: How far did you live from him during his life-time?
 A: About a mile and a half.
 Q: Were you present when he died? A: I didn't see him, I went to Palmer Noon's house towards the Canadian line and he died there.
 This man when he was sick, McGee sent for me and I went over there below Holdenville and waited on him for 3 days and that night I went away, McGee died the night after I left.
 Q: McGee died at the home of Jim Noon did he? A: Palmer Noon
 Q: Were you present at the burial of McGirt? A: I wasn't there.
 Q: Did your father receive an allotment of land? A: He made application but he was refused.
 Q: Why was he refused? A: They told him he had to be living the first day of April to file, but he died before then and he couldn't file.

- Q: How long after your father's death did the death of Aaron McGirt occur.
- A: It was the commencing of the 3rd. month after my father died that McGirt died.
- Q: Do you mean it was 12 months after your father's death or 8 weeks after your father's death? A: I couldn't explain that. A: My father died the 29th. and then the beginning of March he died and it was probably 2 months but you know Indians always count the month when it commences. If a white child is a year old the Indian would call it 2 years old, counting from the date of its birth.
- Q: Are you acquainted with any of the relatives of Aaron McGirt? A: I know his brother Jack McGirt. The other one was Houston McGirt but I don't know where he is he just goes from place to place.
- Q: Did you know Jackson Hickory or Jack McGirt, if they knew anything about these proceedings here? A: No, I don't know, Hickory lives some distance from where we live.
- Q: Have you ever had any conversation with any of the members of Aaron McGirt's family or any of the heirs in regard to this matter or in regard to the date of death of Aaron?
- A: No sir.
- Q: Are you friendly with Jack McGirt or any of the rest of the family? A: There is no enmity between us.
- Questions by L. M. Mott, attorney for Creek Nation.
- Q: How long after you father died did McGirt die? A: It was in the year 1899 when my father died there was one month went out and the next month on the 2nd. of March McGirt died.
- Q: Was any attempt made to enroll your father? A: Yes sir.
- Q: By whom? A: By me.
- Q: Was he enrolled? A: I made application and the Commission told me he couldn't be enrolled and Jim Noon was interpreting for me then and I dropped the matter and went back.
- Q: Did you make the same statement then that you do now as to when your father died? A: Yes sir, I gave the same date as I am giving here.
- Q: Then the Commission told you that your father was not entitled? A: Yes sir.
- Q: Have you ever made any attempt since then to have him enrolled? A: No sir.

Thomas Long being first duly sworn, testified as follows:
Questions by Commissioner through Wm. McCombs, sworn interpreter.:

- Q: What is your name? A: Thomas Long
- Q: How old are you? A: 50
- Q: What is your post-office address? A: Yeager.
- Q: Are you the Thomas Long who under date of August 16, 1904 made affidavit to the effect that Aaron McGirt had made application prior to April 1, 1899? A: Yes sir.
- Q: Have you looked into this matter since you made the affidavit and are you as certain now as you were then that this person died before April 1, 1899? A: Yes sir.
- Q: Were you well acquainted with Aaron McGirt? A: Yes sir.
- Q: How far did you live from him? A: Aaron was living with somebody about 20 miles South of my place on the Canadian.
- Q: Were you present when Aaron died? A: No sir.
- Q: Did you attend his funeral? A: No sir.

- Q: How soon after his death did you hear of his death?
A: About the 4th. day.
Q: Are you telling what you actually knew in regard to this matter, ~~xxx~~ or are you guessing at it? A: The circumstance that I know about that was that Dave Kernal was McGirt's uncle. On the 24th. day of February Dave Kernal died and about 10 days afterwards McGirt died.
Q: Who told you about McGirts death? A: Palmer.
Q: Palmer Neen? A: Yes sir.
Q: How did he happen to tell you? A: He just told me that Aaron died.
Q: Do you know the date that Palmer told you of Aaron's death?
A: I don't know the dates.
Q: How do you happen to remember the date of death of this Dave Kernal? A: I came with the crowd that tried to enroll Dave Kernal.
Q: You testified when you came with that crowd as to the exact date of death of Dave Kernal did you? A: No sir.
Q: Then how do you remember that exact date? A: My sons were here and I was along with them and Kernal's son tried to get him enrolled but they were refused.
Q: You remember the date of Kernal's death by hearing Kernal's son give it, is that your answer? A: I know the date of Kernal's death because Kernal died in my house.
Q: Did you make any record of Kernal's death?
A: No sir.
Q: How do you happen to remember the date of death of Kernal so accurately then? A: I recollect of their coming here and hearing the statement they made about the death of Kernal, I know it by that. I can't write at all and myself I couldn't make a record of it.
Q: Who else has died in your house or when you were present?
A: Lately there was a woman died at my house.
Q: What was her name? A: Martha Long.
Q: When did she die? A: 15th. day of February.
Q: Who she died when you were present or in your house?
A: That is all.
Q: Haven't you been present at the death-beds of other people?
A: I seen several others die but I never made a record of them.
Q: Do you remember the date of death of these several others?
A: No sir, I don't know. I have no means of knowing.
Q: How do you account for the fact that in one or two instances you can give the exact date of death of a person and in all others you don't know? A: I knew of several that have died but in some of the cases I recollect the circumstances that transpired.
Q: Are you related in any manner to McGirt? A: No sir.
Q: Do you know any of the heirs of Aaron McGirt? A: His 2 brothers I know.
Q: Have you ever had any conversation with these two brothers in regard to the date of death of Aaron? A: No sir.
Q: Have you seen them lately?
A: I see one pretty often but the other I haven't seen him for sometime.
Q: Which one have you seen lately? A: Jack.
Q: Do you know whether Jack knew anything of these proceedings here today? A: I don't know, I have never talked to him about it.
Q: Are you friendly with Jack and all the rest of the family?
A: Yes sir, we are particular friends.
Q: What is your object in coming here and testifying in this matter? A: I know these matters to be facts and felt it was my duty to report.

Statement by Commissioner:

As to the accuracy of the memory of this witness reference is made to his testimony given on July 9th. in the matter of the right to enrolment of Barnosky.

Lawyer Deere being first duly sworn testified as follows:
Questions by Commissioner, through sworn interpreter
Wm. McCombs:

- Q: What is your name, age and post-office?
A: Lawyer Deere, Aged 50, Yeager.
- Q: Were you ever acquainted with Aaron McGirt? A: Yes sir.
- Q: Are you related to him? A: No.
- Q: Is he living? A: He is dead.
- Q: How far did you live from him during his life-time?
A: I used to live about 4 miles from his place but I moved 15 miles off.
- Q: Do you know where he died? A: He died near Caborn.
- Q: At whose house did he die? A: Palmer Noon's.
- Q: Were you present when he died or when he was buried? A: No sir.
- Q: Were you ever told as to the date of his death? A: Yes sir.
- Q: Who told you about it? A: Jimmy Noon.
- Q: How soon after the death did he tell you? A: About a week when Aaron died, Jim Noon sent for me to come over and I didn't get the news and I saw him about a week afterwards and he told me.
- Q: Where did you see him? A: Holdenville.
- Q: How did he happen to tell you about the date?
A: I had heard of Aaron being sick and Noon sent for me and I didn't go and I met Jim Noon at Holdenville and he told me when he died.
- Q: What season of the year was that when Aaron died?
A: It was in March sometime.
- Q: Was it towards the 1st. or last of March?
A: About the 2nd.
- Q: What year was this? A: '99.
- Q: Did he die before or after the opening of the land office?
A: Just before the land office was opened.
- Q: How do you happen to remember so accurately the date of death of this Aaron McGirt? A: I reported all that died in my town and I reported McGirt along with them.
- Q: Give the exact date when you made the report in regard to these people? A: I don't know the date of the month but it was in August and I know it was on Friday.
- Q: Of what year? A: It was 4 or 5 years ago that I made the report.
- Q: You can't remember the exact date of death of Aaron McGirt that is within a few days and you can't even remember the year in which you gave the report to this commission as to the date of his death, how do you reconcile those facts?
A: If I am making some mistake about it I am satisfied that I am coming as near the truth as I possibly can.
- Q: Could it be possible that your memory in regard to the date of death of this person is not correct and could it be possible that this person died after the opening of the land office? A: I am not mistaken in that.

- Q: Are you friendly with the family of McGirt or the heirs of Aaron McGirt? A: Yes sir.
- Q: Never had any quarrel with any of them? A: No sir.
- Q: Can you give the exact date of death of any of the members of your family that died? A: I have lost one member of my family and I made that statement the other day.
- Q: What is the name of that one? A: Willie Deere.
- Q: When did he die? A: I made the statement yesterday.
- Q: This is a new proceeding and is to be considered separately (Witness declines to answer) Stating that he had testified to that in a hearing had on July 9, 1906.

Questions by L. M. Mott, counsel for Creek Nation.

- Q: Do you decline to give the date of death of Willie Deere? A: I decline, I am not going to answer because I wasn't sworn to tell about the death of my son.
- Q: That looks very bad? A: I can't help that because I wasn't sworn to tell about the death of my son.

By Commissioner:

- Q: Do you know when any of the other members of the family of Aaron McGirt died? A: There was a nephew died several years ago that I knew.
- Q: Is Palmer Noon living? A: No sir.
- Q: Did you know him during his life time? A: Yes sir.

Statement by L. M. Mott :

The National attorney states that he does not desire the testimony of this witness to be considered or to have any weight in striking from the roll the name of Aaron McGirt, deceased, as a citizen of the Creek Nation.

- Q: Do you know when Palmer Noon died? A: Going on three years now, since Palmer died.
- Q: Are you as well acquainted with Palmer Noon as you were with Aaron McGirt? A: I knew them ever since they were boys or children.
- Q: But you don't know the exact date of death of Palmer Noon? A: I don't know the exact date.

Statement by L. M. Mott, attorney for Creek Nation:

National attorney desires to state that in the examination of Lawyer Deere, Mitchell Compere, in the different cases, one after the other, their demeanor upon the stand impressed me with the conviction that their testimony was not of such a character as could be relied upon.

The force of this cannot be appreciated by one merely reading the testimony, and I do not desire this statement to be understood as affecting the decision of the Commission in this case, and is meant to apply only to the two witnesses above mentioned, without regard to the testimony of other witnesses.

I, Julia C. Laval on my oath state that the above and foregoing is a true and correct statement of L. M. Mott taken in proceedings had in the matter of the application for the enrollment of Aaron McGirt, on July 10, 1906, and the same is made a part of the record in this case according to the implied direction of Mr. Mott.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval.

Subscribed and sworn to before
me this 24th. day of July 1906.

H. H. Hains
Notary Public.

Q 937

I concur in recommendation herein made.

I do not believe it to be advisable to discuss this question any longer as we have had it put down for rehearing three already.

W. B.

Cr. En. 937.

I believe Satisfactory
evidence could be obtained
in this case if it were
turned over to one of the field
parties, and would recommend
that this be done before case
is closed.

9/29/06.

A. J. M. C.

Cathy

August 18, 1904.

Louise Dear and Thomas were personally appeared before us and after being duly sworn say that they know the deceased James H. Dear and that James H. Dear died prior to April 1st, 1899. And they further swear that they have talked to different people, among them relatives of the deceased who will make oath that said deceased party died before the 1st day of April, 1899.

James H. Dear
deceased

Thomas Dear
deceased

Subscribed and sworn to before us this 18 day of August, 1904.

Wm. P. Mendenhall
Notary Public

Commission Expires August 18, 1905

Executive Office,

MUSKOGEE NATION.

P. PORTER, Principal Chief.
M. L. MOTT, National Attorney.

Muskogee, Indian Territory,

Sept. 3rd 1904.

Hon. E. A. Hitchcock.

Sect. of the Interior.

Washington, D. C.

My dear Sir:-

Affidavits having been made that Aaron McGirt Roll No. 8574 - Deed No. 10000 dated prior to April 1st 1839. I will thank you to direct reopening of the case that I may have opportunity to offer this testimony. I have several additional witnesses to offer in support of these affidavits upon rehearing of the case.

Yours very truly.

M. L. Mott

National Attorney.

677

Muskogee, Indian Territory, September 14, 1904.

E. B. Miller,
Chief Clerk,
Creek Land Office.

Dear Sir:

You are directed to suspend action in the matter of making allotment of lands in the Creek Nation to the heirs of Aaron McGirt, deceased, whose name appears on the Approved Creek Indian Roll, No. 8579, until further advised.

The attorney for the Creek Nation has asked the Department to re-open the case, relative to the enrollment of said Aaron McGirt, on the ground that he has evidence sufficient to establish the fact that Aaron McGirt died prior to April 1, 1899.

Respectfully,

Chairman.

Em.

Muskogee, Indian Territory, September 14, 1904.

The Honorable

The Secretary of the Interior.

Sir:-

The name of Aaron McGirt is contained in the partial list of citizens by blood of the Creek Nation, approved March 28, 1902, No. 8579. September 3, the attorney for the Creek Nation delivered to the Commission, for transmission to the Department, a communication, in the nature of a motion to re-open the case, and an affidavit, executed by Lawyer Deer and Thomas Long, relative to the date of death of said Aaron McGirt. It appears from said affidavit that Aaron McGirt died prior to April 1, 1899.

It also appears from the records of the Commission that there has been filed in this case proof of death of said Aaron McGirt by his half brother, Palmer Noon, and by two acquaintances, which proof is to the effect that said Aaron McGirt died in March, 1900.

It is recommended that the case be not re-opened. The communication of the Creek Attorney and affidavit of Lawyer Deer and Thomas Long are inclosed herewith for Departmental consideration.

Respectfully,

Through the
Commissioner of Indian Affairs.

Chairman.

DCS. 8-14/9.

Land:

64359-1904

64360-1904

64361-1904

64362-1904

64364-1904

64365-1904,

COPY

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated September 14, 1904, transmitting affidavits of Lawyer Deer and Thomas Long, relative to the death of Sarnochka, who has been enrolled as a citizen by blood of the Cherokee (Creek?) Nation at No. 8580.

They state in said affidavit that Sarnochka died prior to April 1, 1899. There are also before this office and enclosed herewith similar affidavits of the two affiants mentioned, relative to the death of Aaron McGirt, No. 8579, Waspee, No. 9010, Polly Larney, No. 8943, Millie Davis, No. 6966 and George Washington, No. 5324.

In view of the position taken by this office and in order that the whole subject may be before you, I have concluded to forward all of the Commission's reports and the affidavits mentioned with this report.

The affiants with reference to the death of Sarnochka say that they knew her intimately and that she died prior to April 1, 1899.

Their affidavit with reference to Aaron McGirt is identical with the one just mentioned and the Commission say that proof of death in this case has been filed by Palmer Noon, half brother of the deceased citizen and two acquaintances, which shows that Aaron McGirt died on March, 1900.

The Commission reports that from their records it appears that Thomas Long, one of the affiants in the affidavit mentioned, filed with them September 12, 1901, affidavit stating that Polly Larney died August 6, 1899, and that the affidavit of the grandmother Polly Larney is to the same effect.

The Commission's report relative to Waspee shows that an uncle an aunt and two acquaintances made affidavit that the said Waspee died subsequent to April 1, 1899, and that from their records it appears that James Davis, husband of Millie Davis and Selena Davis made affidavit that Millie Davis died on October 4, 1899.

The Commission does not make any statement with reference to what their records show concerning the death of George Washington.

Accompanying each report of the Commission is a communication from Mr. Mott, attorney for the Creek Nation, requesting that the cases be reopened and a rehearing had and the Commission recommends that his request with reference to all the cases be granted.

This office is unwilling to recommend the ^{rehearing} reopening of these cases on the affidavits before it. They are all in the same form and several of them are carbon copies of an original, and each instance a blank space was left to insert the name of the person to whom the affidavits relates. The names of the affiants however, are in typewriting. Furthermore, it is not shown by the affidavits whether the affiants lived in the same vicinity that the deceased persons lived during their life lifetime, although the affiants state they knew each intimately.

The Commission's report relative to Polly Larney, Land 64363, shows that Thomas Long, one of the affiants in each of the cases herein mentioned, filed with the Commission September 12, 1901, his

affidavit stating that Polly Larney died August 6, 1899, and it is believed that this action itself is sufficient to warrant the Department in refusing to reopen the cases on the information before it, and I respectfully recommend that the Commission be advised that said cases will not be reopened on the affidavits presented.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

GAW-IM.

I.T.D. 8140-1904.

DEPARTMENT OF THE INTERIOR,

JHE. JP.

WASHINGTON, October 1, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

September 14, 1904, you transmitted an affidavit of Lawyer
Deer and Thomas Long, relative to the death of Sarnochka, who has
been enrolled as a citizen by blood of the Creek Nation, opposite
No. 8560, from which it appears that the party died prior to April
1, 1899.

Reporting in the matter September 26, 1904, the Acting
Commissioner of Indian Affairs submitted similar affidavits of the
two ~~affidavits~~ ^{affidavits} mentioned, relative to the death of Aaron McGirt,
roll number 8579, Waspee, No. 9010, Polly Larney, No. 8943, Millie
Davis, No. 8966, and George Washington, No. 5324.

The Acting Commissioner points out discrepancies between
affidavits filed at different times as to the death of several
of these parties, and states that he is unwilling to recommend
the reopening of the case, as recommended by you, on the affidavits
now presented, and calls attention to the fact that the affidavits
are all of the same form and several of them are carbon copies of
the original, and in each instance a blank space was left to insert
the name of the person to whom the affidavit relates.

The attorney for the Creek Nation requests that the cases
be reopened, and that a rehearing be had in each.

Even though the affidavits submitted may not be entirely satisfactory, there appears to be no reason why careful investigation should not be had by you to determine whether the enrollment of these persons was proper. The authority requested is therefore granted. The papers received with the Acting Commissioner's letter, except your report, are inclosed together with a copy of the acting Commissioner's letter. If deemed necessary, you can require further affidavits before proceeding with the investigation.

Respectfully,

(Signed) Theo. Ryan,

10 inclosures.

Acting Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cr.En.937.

Muskogee, Indian Territory, July 11, 1905.

Palmer Noon,

Holdenville, Indian Territory.

Dear Sir:

October 1, 1904, the Department reopened the matter of the right to enrollment of your half brother, Aaron McGirt, deceased, as a citizen of the Creek Nation, and ordered a rehearing in said case.

You are hereby notified that said case is set for rehearing at the office of the Commissioner to the Five Civilized Tribes in Muskogee, Indian Territory, August 8, 1905. Evidence is particularly desired tending to show the exact date of the death of said Aaron McGirt.

The Creek Nation will be permitted to introduce evidence in said case at the same time and place.

Respectfully,



Commissioner.

Register.

Executive Office,

MUSKOGEE NATION.

P. PORTER, Principal Chief.

M. L. MOTT, National Attorney.

Muskogee, Indian Territory,

July 24th, 1905.

Commission to the five Civilized Tribes.,

Muskogee I. T.

My dear sir:-

"Prior to the meeting of the Creek Council in October last, I made application to the Secretary of the Interior to reopen quite a number of cases upon the ground that the allotments had been secured by fraud. In every case the request was granted. When the Council met I advised them of the necessity of making an appropriation to pay the witnesses in these fraudulent cases, they passed an act appropriating five thousand dollars for this purpose. The President declined to approve the appropriation, setting out that he was advised by the Secretary of the Interior that a correction of these frauds could be had through the Courts. Having no money to pay the witnesses, and no means of bringing them before your Commission I will have to abandon any further effort to investigate them in the manner intended. In each case I withdraw motion for rehearing."

Yours very truly,

M. L. Mott

National Attorney.

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INDEXED

COMMISSIONER TO FIVE TRIBES.			
No.	Received.	ANSWERED	
35961	JUL 25 1905	Look	Page
1905.			

Mott, M.L.
Muskogee, I.T.

July 24, 1905.

Withdraws motion for rehearing
in certain cases.

CREEK ENROLLMENT.

D.O. 50713-1905
I.T.D. 14250-1905
En 937

(Copy)

J.P.
PHE.

LRS

DEPARTMENT OF THE INTERIOR,

WASHINGTON, November 3, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Upon the request of the attorney for the Creek Nation and the recommendation of the Commission to the Five Civilized Tribes, the Department on October 1, 1904, reopened the Creek enrollment case of Aaron McGirt, whose name appears on the partial list of Creek citizens approved by the Department opposite No. 8579, affidavit having been filed alleging that the claimant died prior to April 1, 1899.

July 24, 1905, the attorney for the Creek Nation wrote you that as he had no money to pay the witnesses and no means to bring them before you, he would have to abandon any further investigation in the matter, and he withdrew the motion for "rehearing."

You recommend that the enrollment of McGirt be allowed to stand, in which recommendation the Indian Office, in letter of October 28, 1905 (Land 79383-05), concurs.

Dep. 2.

It is not necessary for the Creek Nation to supply funds to investigate this matter. You are authorized to see that correct rolls of Creek citizens are made, and have been furnished with the means necessary for that purpose.

It is therefore requested that you make the investigation in this case as soon as practicable.

The papers received with your letter and a copy of the Indian Office letter are inclosed.

Respectfully,

(signed) THOS. RYAN,
First Assistant Secretary.

Through the
Commissioner of Indian Affairs.

2 inclosures.

Refer in reply
to the follow-
ing: Land
79383-1905

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, October 28, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of October 1, 1904, I.T.D. 8140, directing the Commission to the Five Civilized Tribes to re-open the matter of the application for the enrollment of Aaron McGirt as a citizen of the Creek Nation and further investigate the subject, there is enclosed a report from the Commissioner to the Five Civilized Tribes dated October 2, 1905, stating that in compliance with verbal requests of the attorney for the Creek Nation action in the case was suspended from time to time until July 11, 1905, on which date the parties in interest were notified that the case had been set for hearing August 8, 1905, at Muskogee, Ind. Ter, and that no appearances were made on the day set.

He further reports that on July 24, 1905, he received a communication from the attorney for the Creek Nation withdrawing all motions to reopen Creek enrollment cases filed by him prior to the meeting of the Creek Council in October, 1904.

As the attorney for the Creek Nation has taken no action

Ind.O., 2.

in the case, Mr. Bixby recommends that the enrollment of Aaron McGirt, deceased, No. 8579, approved rolls of citizens by blood of the Creek Nation, be allowed to stand. He transmitted a copy of the record in the case.

Lawyer Deor and Thomas Long, in affidavit of August 16, 1904, stated that they were each intimately acquainted with Aaron McGirt during his lifetime and that he died prior to April 1, 1899. In the affidavit of James Boon it is stated that McGirt died May 1900; in that of Palmer Boon it is set forth that McGirt died March 28, 1900, and Jackson Hickory also made affidavit that McGirt died March 28, 1900.

From the old affidavits in the case it would seem McGirt died subsequent to April 1, 1899, and that his enrollment should be allowed to stand. The Office concurs in the recommendation of the Commissioner to the Five Civilized Tribes.

Very respectfully,

C. F. LARRABEE,

Acting Commissioner.

GAW-GH

Muskogee, Indian Territory, November 13, 1905.

Alex Posey,

Okemah, Indian Territory.

Dear Sir:

You are directed to take testimony for the purpose of ascertaining the exact date of the death of Aaron McGirt (deceased) whose name is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite No. 8579.

There are on file in this Office affidavits of Lawyer Deere and Thomas Long to the effect that said Aaron McGirt died prior to April 1, 1899. There are also on file in this Office an affidavit executed May 25, 1901, by James Noon, an acquaintance of said Aaron McGirt (deceased) to the effect that said Aaron McGirt died in the month of May, 1900, and affidavits executed by Palmer Noon, a half brother, and Jackson Hickory, an acquaintance of said Aaron McGirt (deceased) to the effect that said Aaron McGirt died the 28th day of March, 1900. The postoffice address of all of said affiants is given as Holdenville, Indian Territory.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING

En. 937

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 8, 1906.

Jim Sippley,

Holdenville, Indian Territory.

Dear Sir:

October 1, 1904, the Secretary of the Interior reopened the matter of the enrollment of Waspee, deceased, on motion of the attorney for the Creek Nation accompanied by affidavits to the effect that said party died prior to April 1, 1899.

You are hereby advised that on February 19, 1906 at 9 o'clock A.M. at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, the matter of the right to enrollment of said Waspee, deceased, will be investigated.

The attorney for the Creek Nation has been notified of said rehearing and that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,

W. O. A. Co.

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING

En. 937.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 8, 1906.

Palmer Noon,

Holdenville, Indian Territory.

Dear Sir:

October 1, 1904, the Secretary of the Interior reopened the matter of the enrollment of Aaron McGirt, deceased, on motion of the attorney for the Creek Nation accompanied by affidavits to the effect that said party died prior to April 1, 1899.

You are hereby advised that on February 19, 1906 at 9 o'clock A.M. at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, the matter of the right to enrollment of Aaron McGirt, deceased, will be investigated.

The attorney for the Creek Nation has been notified of said rehearing and that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,

W. O. Brown

Acting Commissioner.

7874

REPLY IN REPLY TO THE FOLLOWING

En. 957

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 8, 1906.

Jackson Hickory,

Holdenville, Indian Territory.

Dear Sir:

October 1, 1904, the Secretary of the Interior reopened the matter of the enrollment of Aaron McGirt, deceased, on motion of the attorney for the Creek Nation accompanied by affidavits to the effect that said party died prior to April 1, 1899.

You are hereby advised that on February 19, 1906 at 9 o'clock A.M. at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, the matter of the right to enrollment of said Aaron McGirt, deceased, will be investigated.

The attorney for the Creek Nation has been notified of said rehearing and that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,

W. O. Beall
Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING

En. 937

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 8, 1906.

James Moon,
Holdenville, Indian Territory.

Dear Sir:

October 1, 1904, the Secretary of the Interior reopened the matter of the enrollment of Aaron McGirt, deceased, on motion of the attorney for the Creek Nation accompanied by affidavits to the effect that said party died prior to April 1, 1899.

You are hereby advised that on February 19, 1906 at 9 o'clock a.m. at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, the matter of the right to enrollment of Aaron McGirt, deceased, will be investigated.

The attorney for the Creek Nation has been notified of said rehearing and that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,

W. O. Bear

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING

En. 937

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 8, 1906.

Cochigee,

Holdenville, Indian Territory.

Dear Madam:

October 1, 1904, the Secretary of the Interior reopened the matter of the enrollment of Waspee, deceased, on motion of the attorney for the Creek Nation accompanied by affidavits to the effect that said party died prior to April 1, 1899.

You are hereby advised that on February 19, 1906 at 9 o'clock A.M. at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, the matter of the right to enrollment of said Waspee, deceased, will be investigated.

The attorney for the Creek Nation has been notified of said rehearing and that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,

W. O. Bear

Acting Commissioner.

PLEASE REPLY TO THE FOLLOWING:

En. 937.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 19, 1906.

Palmer Noon,

Holdenville, Indian Territory.

Dear Sir:

February 8, 1906, a letter was addressed to you by this office notifying you that a rehearing would be had in the matter of the enrollment of Aaron McGirt, deceased, as a citizen of the Creek Nation, on February 19, 1906, said case being reopened by the Department under date of October 1, 1904, on motion of attorney for the Creek Nation, accompanied by affidavits to the effect that he died prior to April 1, 1899. No appearance being made on the date set, you are hereby notified that a rehearing in this matter will be had at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, on July 6, 1906, at which time you will be permitted to introduce evidence relative to the date of death of said applicant.

The attorney for the Creek Nation has been notified of said rehearing and that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,



Commissioner.

REFER IN REPLY TO THE FOLLOWING:

En. 937.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 19, 1906.

James Noon,

Holdenville, Indian Territory.

Dear Sir:

February 8, 1906, a letter was addressed to you by this office notifying you that a rehearing would be had in the matter of the enrollment of Aaron McGirt, deceased, as a citizen of the Creek Nation, on February 19, 1906, said case being reopened by the Department under date of October 1, 1904, on motion of attorney for the Creek Nation, accompanied by affidavits to the effect that he died prior to April 1, 1899. No appearance being made on the date set, you are hereby notified that a rehearing in this matter will be had at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, on July 6, 1906, at which time you will be permitted to introduce evidence relative to the date of death of said applicant.

The attorney for the Creek Nation has been notified of said rehearing and that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,


Commissioner,

REFER IN REPLY TO THE FOLLOWING:

En. 937.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

124

Muskogee, Indian Territory, June 19, 1906.

Jackson Hickory,
Holdenville, Indian Territory.

Dear Sir:

February 8, 1906, a letter was addressed to you by this office notifying you that a rehearing would be had in the matter of the enrollment of Aaron McGirt, deceased, as a citizen of the Creek Nation, on February 19, 1906, said case being reopened by the Department under date of October 1, 1904, on motion of attorney for the Creek Nation, accompanied by affidavits to the effect that he died prior to April 1, 1899. No appearance being made on the date set, you are hereby notified that a rehearing in this matter will be had at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, on July 6, 1906, at which time you will be permitted to introduce evidence relative to the date of death of said applicant.

The attorney for the Creek Nation has been notified of said rehearing and that he will be given an

-2-

opportunity to introduce evidence at said time and place.

Respectfully,

A handwritten signature, possibly "J. Edgar Hoover", written in dark ink. The signature is slanted upwards to the right and consists of several overlapping strokes.

Commissioner.

Nov. 8. 1906

The Honorable,

The Secretary of the Interior.

Sir:

September 14, 1904, the Commission to the Five Civilized Tribes transmitted to the Department a communication from the attorney for the Creek Nation, in the nature of a motion to reopen the matter of the right to enrollment of Aaron McGirt, deceased, whose name is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite roll No. 8579. Said motion was accompanied by an affidavit executed by Lawyer Deere and Thomas Long to the effect that said Aaron McGirt died prior to April 1, 1899.

The Commission to the Five Civilized Tribes, in its report transmitting said motion and affidavit recommended that

the case be not reopened, stating that it appeared from its records that there had been filed in the case proof of death of said Aaron McDirt by his half brother, Palmer Neen, and by two acquaintances to the effect that said Aaron McDirt died in March, 1900.

October 1, 1904 (I.T.D. 6140-1904), the Department reopened said case and authorized the Commission to investigate whether the enrollment of said Aaron McDirt, deceased, was proper.

In compliance with the verbal requests of the attorney for the Creek Nation, action in this case was suspended from time to time until July 11, 1905, on which date the parties in interest were notified that the case was set for hearing on August 2, 1905. No appearances were made on the date set.

July 24, 1905, this office received a communication from the attorney for the Creek Nation withdrawing all motions to reopen Creek enrollment cases filed by him prior to the meeting of the Creek council in October, 1904.

October 2, 1905, a report in this matter was transmitted to the Department, in which it was recommended

Secretary S.

that in view of the facts in the case and of the action of the attorney for the Creek Nation in withdrawing his motion to reopen, that the enrollment of said Aaron McGirt, deceased, be allowed to stand.

The Department under date of November 3, 1906 (I.T.D. 14260-1906), directed that an investigation be made as to the right to enrollment of said Aaron McGirt, deceased, stating that "it is not necessary for the Creek Nation to supply funds to investigate this matter. You are authorized to see that correct rolls of Creek citizens are made and have been furnished with the means necessary for that purpose".

In accordance with instructions as above set out, a hearing as to the right to enrollment of said Aaron McGirt, deceased, was set for February 19, 1906. No appearances were made on said date.

The parties in interest were notified that a hearing would be had on July 6, 1906. No appearances were made on said date but on July 10, 1906, testimony was taken in this matter.

The testimony taken in said later proceedings as to the date of death of said applicant is contradictory and in-

Secretary 2.

conclusive. It will be noted from the statement of W. L. Nett, attorney for the Creek Nation, made at the conclusion of said hearing that it is his opinion that the testimony of certain witnesses introduced on behalf of the nation is not of such a character as could be relied upon.

I am of the opinion that the evidence is not sufficient to warrant the conclusion that said Aaron McDirt died prior to April 1, 1899, the date of opening of the Creek land office, and respectfully recommend that the enrollment of said Aaron McDirt, deceased, on the approved roll of citizens by blood of the Creek Nation, opposite No. 2279, be allowed to stand.

A complete copy of the record in the case is herewith enclosed.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

AS-H

En 937

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
FHE

I.T.D. 24520-1906.
D.C. 55747-1906.

December 18, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

November 8, 1906, you submitted the record relative to the date of the death of Aaron McGirt, whose name is contained in the partial roll of citizenship by blood of the Creek Nation approved by the Department March 28, 1902, opposite No. 8579, and expressed the opinion that the evidence submitted is not sufficient to warrant the cancellation of the name of the party from the roll. You therefore recommended that the enrolment be allowed to stand.

In this recommendation the Indian Office concurred, in letter of December 5, 1906 (Land 99044), submitting your report.

The Department also concurring, the enrolment will not be disturbed. A copy of the Indian Office letter is inclosed. The other papers in the matter have been returned to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind. Of.

Refer in reply to the following:

--Copy--

LAND:

99044-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

December 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated November 8, 1906, submitting the record in the matter of the right to enrollment of Aaron McGirt, deceased, whose name is contained on a partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior on March 28, 1902.

The testimony taken on July 10, 1906, with reference to the date of the death of Aaron McGirt is contradictory and unreliable. The attorney for the Creek Nation, at the conclusion of the hearing, said that it was his opinion that the testimony of certain witnesses introduced on behalf of the Creek Nation by him was of such a character that it could not be relied upon.

The Commissioner is of the opinion that the evidence introduced was not sufficient to warrant the conclusion that Aaron McGirt, deceased, died prior to April 1, 1899, and respectfully recommends that the enrollment of Aaron McGirt, deceased, be allowed to stand. The Office concurs in the recommendation of the

Commissioner.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE-KH

Cr. No. 957

Muskogee, Indian Territory, January 8, 1907.

Chief Clerk,

Creek Land Office.

Dear Sir:

You are hereby advised that on December 18, 1906 (I.T.D. 24620-1906) the Secretary of the Interior affirmed the decision of this office that the enrollment of Aaron McGirt opposite Creek roll No. 8579 be allowed to stand on the final roll of citizens of the Creek Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, January 8, 1907.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on December 18, 1906, the Secretary of the Interior affirmed the decision of this office that the enrollment of Aaron McGirt, opposite Creek roll No. 8579, be allowed to stand on the final roll of citizens of the Creek Nation.

Respectfully,

Commissioner.

Cr. No. 937.

Muskogee, Indian Territory, January 8, 1907.

Cochisee,

Yeager, Indian Territory.

Dear Sir:

You are hereby advised that on December 18, 1906, the Secretary of the Interior affirmed the decision of this office that the enrollment of Aaron McGirt, opposite Creek roll No. 3579, be allowed to stand on the final roll of citizens of the Creek Nation.

Respectfully,

Commissioner.

CR EN 938

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~~DEPARTMENT OF THE INTERIOR,~~
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
 Muskogee, Indian Territory, March 3, 1906.

In the matter of the application for the enrollment of Waspee, deceased, as a citizen by blood of the Creek Nation.

October 1, 1904, the Secretary of the Interior, reopened the matter of the enrollment of Waspee, deceased, on motion of the Creek attorney, accompanied by the affidavits of Lawyer Deere and Thomas Long to the effect that he died prior to April 1, 1899. February 8, 1906, Cochisee, Philip Marshall and Jim Sippley on whose affidavit said Waspee was enrolled; and M.L.Mott who procured the affidavits of Lawyer Deere and Thomas Long were notified that this case was set for hearing on February 19, 1906 at 9 o'clock a.m. On said date appeared Philip Marshall alone and gave testimony. Attorney for Creek Nation, M.L.Mott, appeared on that date and stated that he had notified Lawyer Deere and Thomas Long to appear and bring other witnesses with them in support of their affidavits adverse to the applicant but that they had not been able to appear and said M. L. Mott asked Philip Marshall at the conclusion of his testimony if he had any objection to the appearance of Lawyer Deere and Thomas Long at a later date and Mr. Marshall stated he had not, that if it should be proved by their testimony that Waspee was not entitled, he was willing to drop the matter.

APPEARANCES: Merritt Eslick for M.L.Mott attorney for Creek Nation.

THOMAS LONG, being duly sworn, testified as follows through Jesse McDermott official interpreter.

- Q What is your name? A Thomas Long.
 Q What is your age? A About 50.
 Q What is your post office address? A Yeager.
 Q Are you a citizen by blood of the Creek Nation? A Yes, sir.
 Q To what town do you belong? A Tutchebutchee.
 Q Did you know Waspee? A Yes.
 Q What was the name of Waspee's father? A Gussachtah Harjogee.
 Q Was he ever known by any other name? A Some times he was known as Barney.
 Q Ever known as Parnochsee? A Yes
 Q What was the name of Waspee's mother? A Nup die
 Q Ever known by any other name? A Only name she had.
 Q Wasn't she ever known by the name of Lissie? A Not that I know of.
 Q Are both of Waspee's parents dead? A Yes.
 Q When did Waspee die? A In 1899.
 Q What month? A Along about the first of March.
 Q How do you fix that date? A That's my recollection.
 Q Do you know when the land office opened? A I have been told that the land office opened the first day of April 1899.
 Q According to your remembrance of that day did Waspee die before or after the land office opened? A He died before the land office opened

Q Philip Marshall says that he died after the land office opened. Philip Marshall, Gochigee and Jim Sippley say that how do you account for the difference of opinion? A He died before.

Q You executed an affidavit stating that he died before the land office opened you now state that that is correct do you? A Yes.

Q Have you any interest in this case, any reason why you want to have these people unjustly deprived of their rights? A No.

Q Were you present when Waspee died? A No.

Q Were you at his funeral? A No.

Q How far did you live from Waspee when he died? A About five miles southwest.

Q Have you ever seen Waspee's grave? A Yes.

Q Is there any head or footboard with the date of his death on it? A The headboard is located on the inside of the little house.

Q Did you ever see the headboard? A No.

Q How then do you know it is there? A It is the Indian custom when any one dies we put a board there.

Q Is it the Indian custom to put the date of the death on it? A In some instances we do.

Q Do you know whether it was put on in this instance? A I do not.

MITCHELL COMPIER, being duly sworn, testified as follows through Jesse McDermott, official interpreter.

Q What is your name? A Mitchell Compier.

Q What is your age? A About 28.

Q What is your post office address? A Yeager.

Q Are you a citizen by blood of the Creek Nation? A Yes.

Q To what town do you belong? A Tutchebutchee.

Mr. Nelick.

Q Did you know Waspee? A Yes.

Q A boy? A Yes.

Q What was his father's name? A I don't know.

Q Do you know the name of his mother? A I didn't know her.

Q Do you know to what town Waspee belonged? A Tutchebutchee.

Q Is Waspee living or dead? A Dead, dead some time.

Q When did Waspee die, what year? A March 25, 1899.

Q How do you know that he died March 25, 1899? A I recollect it.

Q Were you present at his death? A Yes.

Q How far did you live from his place? A We all lived in the same house.

Q Was any record made of the date of his death? A No, sir.

Q Have you visited his grave any time since he died? A Yes I see the grave frequently because he was buried in my uncle's field.

Q Any headboard or footboard on the grave? A I think there is one there. It is the custom among the Indians to put headboards at the graves.

Q Have you ever examined to see if there was any headboard there with dates on it? A No.

Q Do you know that he died the 25 of March 1899 because you were present at the time and remember the date is that correct? A Yes.

Q Look at that paper and see what that is written on there? A Waspee March 25, 1899, who made that memorandum? A I did.

Q What does that mean Waspee March 25, 1899? A That's the date of his death.

Q Do you know the Phillip Marshall who claims to be the heir of Waspee? A Yes.

Q Are you unfriendly to him or not? A No.

Q Have you any ill feeling towards him or him towards you? A We are friends.

Q Have you any interest in testifying against the enrollment of Waspee? A No.

Q Do you know when the land office opened? A Yes.

Q When was it? A April 1899/.

Q Are you positive now that Waspee died March 25, 1899? A Yes
I am positive he died the 25 of March 1899.

COMMISSIONER.

Q When did you make this record referring to Waspee March 25, 1899? A I made that record day before yesterday.

Q Did you make any record at the time of his death or immediately after he died? A No, I didn't.

Q Did you take this record from anything? A No.

Q You just made it from memory? A Yes.

Q Do you remember the dates of death of many persons? A Yes I recollect the dates of death of those who died since 1891.

Q You mean you recollect as to the dates of death of people whom you know or were personally acquainted with since 1891? A Yes.

Mr. Hellick.

Q Were you living at the house with Waspee when he died? A Yes I was living with him at the time; lived part of the time with McKame and part of the time with Waspee. John McKame, Nancy McKame, Kissie McKame and I were all living together and Nancy was my aunt. Nancy got married and moved away to her own house and I went backwards and forwards between Waspee's house and my aunt.

Q Were you living in the same house with Waspee at the time of his death? A I was living at Nancy's house and I heard that he died and went over to Waspee's house.

Q You saw Waspee dead, did you? A Yes.

Q And helped bury him? A Yes, I was present when he was buried but did not assist in his burial.

Q How old was Waspee at the time of his death? A I don't know how old he was. I was very small and he was grown. We were all raised up together.

Q Was there much difference in your ages? A I don't know just how old he was, he was between 20 and 25; when we began living together I was very small.

Q How old were you when Waspee died? A I don't know.

Q Were you about grown? A Yes I had been to school at Wetumka and had just gotten home.

Q This memorandum or record in which appears Waspee Mar 25, 1899 which you state you wrote yourself, a copy will be filed in each case.

LAWYER DEERE, being duly sworn, testified as follows through Jesse McDermott, official interpreter.

Q What is your name? A Lawyer Deere.

Q What is your age? A A little over 50.

Q What is your post office address? A Yeager.

Q Are you a citizen? A Citizen by blood and a member of Tatchebutchee town.

Q Did you know Waspee? A Yes, personally acquainted with him.
Q What was the name of his father? A Gussatoh Harie.
Q Ever called anything else? A That is the only name he had according to my knowing.
Q What was the name of his mother? A Nupsie.
Q To what town did Waspee belong? A Tutohebutchee.
Q Your town? A Yes.
Q Was he ever known by any other name than Waspee? A No.
Q Did you ever hear him called Waspee McKan? A He might have been called that but I always heard his name called simply Waspee.
Q Did you live near him when he died? A I lived four miles north east from where he died.
Q Were you present when he died? A I wasn't present at his death.
Q Present at his funeral? A Yes
Q You have made out an affidavit that he died before the land office opened is that true? A Yes
Q How long before the land office opened did he die? A About a month I think.
Q What was the day, month and year of his death? A The land office opened in April and he died the March before.
Q In March the month before? A Yes
Q How do you fix the opening of the land office as in April?
A I know that from my own knowledge.
Q April of what year did the land office open? A I think 1901.
Q How many years ago did the land office open? A I think six years
Q The records in your own case show you filed on your own land in 1900 and nobody filed before the opening of the land office so you must be mistaken in that are you not? A I filed about the year after the land office opened.
Q Why do you say 1901? A That's the way I understood it.
Q Do you know the years and the names of the years? A No
Q You know that the land office opened before you filed don't you? A Yes
Q And do you swear positively now that Waspee when you knew and at whose funeral you were died the March before you filed? A Yes, that is when he died.
Q Did you ever see any headboard or footboard over his grave? Yes there were headboards placed at his grave but I don't know whether there was a record made on it or not.
Q Are you any kin to Waspee? A He was a little related to me according to the Indian relationship. He wasn't related to me by blood.
Q Were you actuated by any personal motives in executing the original affidavit that he died before April 1, 1899. ? No.
Q Have you any personal interest or any spite in wishing the name of Waspee stricken from the final roll? A I have nothing in the case myself but it is against the law for him to be enrolled. I gave testimony about the death of these people long time ago and you people have a record of it here in the office. It is very difficult for me to reckon dates. Had I known that I would have to testify in this case I would have made records.
Q If you don't know the years and give the opening of the land office as two years after it happened how could you make out this affidavit stating that he died before April 1, 1899? A The Commission had an office in Okmulgee and I was told then that the land office was open and I have been reckoning my dates from that all the time.
Q The land office didn't open at Okmulgee, it opened here at Muskogee? A I don't know when the land office opened in Muskogee

Mr. Belick.

Q You don't understand much about reckoning dates from the year like 1901 or 1902 ? A No, sir I haven't any learning and I can't reckon dates.

Q You say you filed something like a year after the land office opened? A Yes.

Q Do you remember when Dave Barnett who was a judge of the tribal court went out of office? A Yes

Q Was the opening of the land office after Dave Barnett went out of office? A Yes The only thing that I can substantiate my testimony on is that these people died before the tribal laws were abolished. It seems as though the Commission has filed quite a number of people from the tribal rolls of both 1890 and 1895.

Q I said how long after Dave Barnett went out of office did Waspee die? A The tribal laws were abolished before Dave Barnett was out and I can't tell you whether Waspee died before his term of office expired or not.

I, Anna Garrigues, state on oath that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this
13 day of March 1906.

J. M. McDermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 19, 1906.

In the matter of the enrollment of Waspee, deceased, as a citizen by blood of the Creek Nation.

October 1, 1904, the Secretary of the Interior reopened the matter of the enrollment of Waspee, deceased, on motion of the attorney for the Creek Nation, accompanied by affidavits of Thomas Long and Lawyer Deer to the effect that he died prior to April 1, 1899. Notice was sent to the parties in interest that a rehearing would be had in this case on February 19, 1906.

APPEARANCES: M. L. Mott attorney for Creek Nation.

PHILLIP MARSHALL, being duly sworn, testified as follows through Jesse McDermott official interpreter.

- Q What is your name? A Phillip Marshall.
- Q What is your age? A I am about thirty.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q What is your post office address? A Heldenville.
- Q To what Creek Indian town do you belong? A Tutchebatchee.
- Q Did you know a member of your town by the name of Waspee? A Yes.
- Q Are you any kin to Waspee? A He was my nephew.
- Q Do you know of any other living heirs of said Waspee? A No, sir.
- Q Who was Cechigee, did you know her? A Yes, sir.
- Q Is she living? A Yes, sir.
- Q Why isn't she here today? A I didn't know she had been notified in this case but at any rate she is sick.
- Q Are either John McKam or Jim Sippey any kin to Waspee? A No and they are dead.
- Q Then the only living heirs you know of is yourself and Cechigee the aunt? A If Cechigee is related to him I suppose she and I would be the only heirs.
- Q She claims to be an aunt do you know if that is true? A I don't know.
- Q Do you know when Waspee died? A He died some time in April but I don't know the exact date. Jim Sippey made out the affidavit relative to his death. I intended to get Cechigee as a witness but didn't, just took Jim Sippey alone.
- Q We have your affidavit and that of Jim Sippey made out in 1903 and we have an affidavit of Cechigee and McKam in 1901? John McKam we generally call Ruth. He told me at the time he was enrolled that he had been trying to file for Waspee and that he had been knocked out because of his relationship and told me to file because he thought I was the nearest related to Waspee.
- Q Were you present when Waspee died? A No, sir.
- Q How do you know he died in April then? A I wasn't present at the time of his death but I was present when he was buried.
- Q Where did he die? A He was at Cechigee's home.
- Q Where is that? A The place is about four miles east of Wewoka.
- Q Where was he buried? A He was buried about half a mile north of Cechigee's house.
- Q Is there any head board on his grave? A No.
- Q Anything to show the date of his death? A No.
- Q Did they have any doctor when he died? A No.
- Q Do you know when the Creek land office first opened for filing the first day the Creeks were allowed to file? A I remember the circumstance but I don't know what year anyhow Waspee died the next April after the opening of the land office.

Q The land office opened up in April the first day of April, did he die the year after that or did he die in the same April?

A It was the following year after the opening of the land office.

Q But you don't know when the land office opened? A No I don't know for certain.

Q What is the name of your wife? A Aggie.

Q Have you a child named Johnnie? A Yes, sir.

Q When was he born? A I don't know just when he was born. He is pretty old.

Q Was your child Johnnie born before or after Waspee died? A He died after my child Johnnie was born.

Q Are you sure of that? A Yes, sir.

Q We have an affidavit here executed by you in 1901 in which you say that your child Johnnie Marshall was born about the 5th of July 1899 and we also have your affidavit that Waspee died in April 1899. April is before July how do you explain that? A Indians are very likely to make mistakes as they don't keep records of any happenings.

Q Do you remember when you filed for your child Johnnie? A No, I have forgotten.

Q How old was Johnnie when you came to file for him? A I don't know how old he was. He was walking.

Q Was Waspee dead when you came in to file for Johnnie? A Yes, sir.

Q How long had he been dead then? A It was not very long after Waspee died.

Q Our records show that you filed for Johnnie in 1900? A I must be mistaken.

Q What year did Waspee die in? A I don't recollect. The affidavits were made out according to Jim Sippey's recollections as he was questioned about the date of Waspee's death. He is dead.

Q From whose recollections did you make out this affidavit about your child Johnnie? A I depended on my own recollection of the birth of the child. I didn't know that this matter would bring up the question of my child's birth as I was notified that you had witnesses about the death of Waspee and if it is shown that he is not entitled I am perfectly willing to drop the matter.

Q We have affidavits of Lawyer Deer and Thomas Long who were notified but failed to appear, in which it is stated that Waspee died before April 1, 1899 the day on which the land office was opened? The only thing I know is that Waspee died after the land office opened because quite a number had filed and several of the people in my neighborhood attended.

Q Isn't it possible that you are mixed as to the date of the filing, isn't it possible that they came in to be enrolled and not to file?

A No I recollect it was about the time they began filing.

Q Who filed for Waspee do you know? A I did.

Q Waspee was dead then wasn't he? A Yes, sir.

Q How long had he been dead then? A I don't recollect. It was some time after he died.

Q The records show you filed for him in 1903, how does it come you didn't do anything before that time if he died in 1899? A John Rutke or McKam as you call him, had been attempting to file for him and that is why I didn't come in any sooner but after being turned down he came to me and told me he thought I was the proper party to file any how and for me to come and file.

Q Why did you say he was turned down? A He told me that the Commission told him that he wasn't a relation of Waspee and they wouldn't let him file.

Q Wasn't there any question about the date of the death of Waspee? A No sir, he told me that Waspee was entitled all right but that he wouldn't file.

Q All of these affidavits state that Waspee died April 5, 1899 is that true? A I think the affidavits are correct as the date of the death of Waspee was fresh at that time and they were more apt to get it correct then.

Q Just about the time Coshigeo and McKam made the affidavit saying

April 5, 1899, you made an affidavit about your child Johnnie and said he was born July 5, 1899 and it is presumed that the birth of your child Johnnie was fresh in your mind at that time? A I am mistaken. I guess as to the date of his birth and about the birth of the child. For my part I don't care even if Waspee's allotment is cancelled and if Thomas Long and Lawyer Deer's testimony proves that he is not entitled all right. The only thing I base my testimony on is that Waspee died a short while after the land office opened.

Q When did the land office open, how do we know you have the date of the land office opening right, where do you get the knowledge that he died after the land office opened? A I am not positive but I think the land office opened in 1899.

Q Are you on good terms with Lawyer Deer and Thomas Long? A There is no misunderstanding between us that I know of but I understand they have been filing a lot of affidavits about the death of people and for my part I don't care to be friendly with any such persons who are always meddling with other persons business.

Q Do you know whether they know the date of the death of Waspee? A From what you state it seems they have given the date of his death that he died before the land office opened and I say he died after. They don't know anything about the date of his death.

Q Were you present when Waspee died? A I wasn't present when he died but I was at the burial.

Q Were Lawyer Deer and Thomas Long present at the death or burial? A I believe they were there. There were quite a number there.

Q Did Waspee die of the smallpox? A He had been puny for some time. All at once he took a high fever and died very suddenly. He may have been exposed to the small pox I don't know about that..

Q Do you know when there was an epidemic of smallpox raging throughout the western part of the Creek Nation? A I recollect.

Q Did Waspee die in that epidemic? A No I think not.

ADJOURNED .

HEARING resumed February 20, 1906.

BY ATTY. FOR CREEK NATION.

Q What made you so late in your efforts to have this deceased party enrolled? A Jehn McKan had been endeavoring to file for Waspee but he was turned down and told me to go ahead and file.

Q Did you ask McKan to make an effort to have him enrolled? A No, I didn't.

Q Did you know he was going to do it? A Yes, sir.

Q What interest did McKan have, did he think he was an heir?

A Possibly he thought he was an heir. I don't know for sure..

Q Was Waspee ever known by the name of Kane or McKan? A He was generally known as Waspee in the settlement where he lived but McKan may have made affidavits in the name of McKan; I don't know of my own knowledge that he was named as such.

Q When did you say Waspee died? A I was not present when he died.

Q Do you know about what time he died? A He died in April . .

Q What year? A He died the following spring after April 1899.

COMMISSIONER.

Q We have several affidavits that state he died April 5, 1899. John McKan, Sippey and yourself swore that this man died April 5, 1899 that is not the year after the land office opened but the same year? A I made out the affidavits in Wevoka and the dates in that were according to the recollections of Jim Sippey.

Q If you couldn't make out one at that time without the aid of Jim Sippey how can you state now when he died? A Waspee died at Jim Sippey's house and Sippey made a record of his death and he always told me he died the year after the land office opened.

BY ATTY. FOR GREEK NATION.

Didn't you agree with Mr. McKan that if he got Waspee enrolled that you were willing for him to inherit a part of this allotment? A No, sir.

Q Did you have any understanding about it at all? A No, sir.

Q Didn't you know when McKan made this affidavit and was making application that you were the heir and not McKan? A I knew I was the heir at that time but I thought if McKan could get him enrolled and file for him it was all right with me.

Q Didn't you know that McKan was attempting to enroll him so as to get the allotment himself? A Yes, sir.

Q Why didn't you come to the Commission and tell them that you were the heir and this party wasn't? A I didn't have any special reason. I thought as he was going to enroll him and I would let him go ahead.

Q Did McKan ask you to make an affidavit as to the time of his death? A No, sir. I made out an affidavit according to Jim Sippey's request, not John McKan.

Q Did John McKan ever ask you to make one? A No, sir.

Q Was Sippey an heir? A No, sir.

Q What interest did Sippey have in it? A John McKan had him as a witness.

Q Was Sippey McKan's witness? A Yes, sir.

Q And Sippey was the man that asked you to make an affidavit? A Yes, sir.

Q Did they know when he died or did they ask you when he died? A They knew.

Q If they both knew why did they want you? A I was present at the burial and thought possibly they wanted that proof.

Q What caused Sippey and McKan to do all this? A I don't know on what grounds they were putting themselves to so much trouble.

Q Did either McKan or Sippey claim they were heirs to this land? A John McKan claimed to be a relative of Waspee.

Q Do you know of your own knowledge on what date Waspee died? A The only thing that I know is he died in April. I can't tell you the exact date.

Q Is your father dead? A Yes, sir.

Q When did he die? A He was dead when the '95 payment was made.

Q What month did he die in? A I don't know. He died since the '90 payment. I don't think he was living then.

Q How old are you? A I am about thirty years old. I was very small when my father died. The last questions I have answered are about Waspee's father. My father died when I was very small.

Q Have you any brothers or sisters who died the last few years? A I had a brother to die.

Q When? A He died long about the opening of the land office.

Q What month? A I am not positive.

Q Is he enrolled? A I don't know.

Q Was he older or younger than you? A He was older than I.

Q Have a family? A Yes, sir.

Q His estate would go to some one else than you? A I suppose his estate would go to his children.

Q Did he have children? A Yes, sir.

Q And you say he died about the time the land office opened? A Yes I think so. I don't know what month.

Q Did you attend the funeral? A Yes, sir.

Q Were you present when he died? A No, sir.

Q Can you explain how you remember that Waspee died during April and this brother died about the same time and you cannot fix the month when he died? A My brother's death doesn't have anything to do with this case and that is what I do not want to say anything about it.

Q Do you know the date? A Yes, I know when he died.

Q What was the date of his death? A He died shortly after they began filing.

Q Do you know what month? A I don't know.

COMMISSIONER.

Q What was the name of that brother died about the same time?
A Ispebek Harjo.

Mr. Mott.

Q Who selected Waspee's allotment? A I did.

Q What is it worth? A I don't know.

Q Have you tried to sell it? A No, sir.

Q Have you tried to sell your allotment? A Yes, I advertised it but the bid was not approved.

Q Do you know of anybody in the neighborhood who can fix the exact date of Waspee's death, not kin to him? A Gochigee is the only person.

Q Was Lawyer Deer at the burial? A Yes, sir.

Q Was Thomas Long? A I think he was.

Q How far did Thomas Long and Lawyer Deer live from Waspee?

A About three and one half miles apart.

Q Were they friendly with Waspee, did they visit his house? A The place where he staid was not his house, he was just staying there and when they went to that house they would often see him.

Q Have you heard that Lawyer Deer and Thomas Long filed an affidavit here that Waspee died before April 1899? A Yes, sir.

Q When did you hear that? A It has been some time.

Q Have you spoken to them about it? A No, sir.

Q Have you seen them since then? A I have seen them but never did talk with them about this matter.

Q Are you friendly when you meet? A I speak to them but I don't carry on any conversation with them.

Q Is there anything other than this that you have against them?

A For my part I have nothing against them.

Q Do you know of any reason why Lawyer Deer and Thomas Long would make this affidavit if they didn't think it was true? A I don't know what reason they had for making out the affidavit.

COMMISSIONER.

Q What was the name of Waspee's father? A Parnochee.

Q Is he dead? A Yes, sir.

Q What was the name of his mother? A Nupsie I think is the name she was known by.

Q Do you know this woman here Lucy the daughter of Lizzie? A Yes

Q Didn't she have the same mother as Waspee? A No, sir.

Q Did Waspee ever live with John McKan? A Yes, sir.

Q He appears in a group on the 1895 pay roll with McKan? A When the tribal rolls were made possibly they were living in the same house.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before
me this 20 day of February 1906.

Anna Garrigues

J. M. McDermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskeget, Indian Territory, July 21, 1906.

In the matter of the right to enrollment of of Waspee, deceased, and Sarnochee, deceased, as citizens by blood of the Creek Nation.

APPEARANCES: M. L. Nott, attorney for Creek Nation.

KERNUGGY LOWE, being duly sworn, testified as follows:
Through Lena Merriek official interpreter.

Q What is your name? A Kernuggy Lowe.

Q What is your age? A Thirty four.

Q What is your post office address? A Haldenville.

Q You have previously appeared before this office and testified o in the matter of the death of Waspee, have you? A Yes, sir

Q At the time you gave in that previous testimony you stated that you had a record showing the date of death of Waspee? A Yes, sir

Q Have you that record with you at the present time? A Yes.

Witness presents a small memorandum book in which there appears to be items of various kinds written partly in Creek and partly in English and these items seem to be statements of accounts with different people and descriptions of land, and about the middle of said memorandum book appears in pencil the following:

" March 1st 1899 Wasbee"

Q What does this memorandum mean? A A record I made of Waspee's death.

Q When did you make it? A I make a record of all the deaths of my relatives and I made a record of Waspee's death soon after he died.

Q How long after he died? A I guess about three weeks after his death.

Q How did you make it, from memory or from some record on the headboard? A From memory.

Q Have you any other records in this book showing the deaths of different members of your family? A Yes

Q When did you make the records of deaths of other people that appear in this book? A I have a record of Sarnochee who died January 8, 1899.

Q Did you also testify on the same date that you testified in the matter of the death of Waspee as to the date of death of Sarnochee? A Yes

Q How are you related to Waspee? A He is no kin to me.

Q How are you related to Sarnochee? A She was my mother's aunt .

Q How did you happen to make this record if Waspee was not related to you? A He lived right close and that is how I came to make a record of it.

Q How far did he live from you at the time of his death? A Not quite a mile; it mayhave been a mile.

Q Are you in the habit of making a record of the deaths of every body that lives within a mile or two of you? A Yes

Q Who else has died in your neighborhood within a mile or two of you that you made a record of their death? A Pancy Long.

Q In here? A Yes, right after Sarnochee.

In said memorandum book ten pages before that on which appears the entry as to Waspee appears the following "Sarnochee January 8/99. Pancy Long, July 21/97. The entry regarding Pancy immediately follows the said page or entry in regard to Sarnochee.

Q How is it that you made the entry in this book in regard to Pancy Long, who died in '97, following the entry of Sarnochee, who died in '99? A I had another book a little smaller than that and I had the records in there and the thing was going to pieces and I copied it over in this book.

Q Then this is not the original book in which you made these entries? A Yes copied from the original.

Q Is this an exact copy of the original book in which these entries were made and are these entries made in the order in which they appeared in the original book? A The entries are exactly alike except they are not in order like in the other book.

Q Is there any one else who has died, living in your neighborhood, within a mile or two of you, about whom you made entries? A Mollie Marshall my sisters records is in there.

(At another page in said book appears an entry, partly in English and partly in Creek, said entry being interpreted by official interpreter is as follows): The first part of the entry is about Sarnochee and right after that comes "Mollie Marshall August 23th, 1896"

Q Then you have made an entry in two different places in this book in regard to the death of Sarnochee? A My pencil was not very good when I made that and I made a better entry in another part of the book.

Q These entries were made several years ago; other entries in this book made with a lead pencil seem to be rubbed and rendered somewhat illegible, whereas the entries in regard to Sarnochee and Waspee appear comparatively fresh. Is it a fact or not that you have only made these entries in regard to Sarnochee and Waspee lately in order to corroborate the statements you made in your previous testimony? A I made it some time ago and they were hard to read and I made them over.

Q Was there any one present when you made the entries in the original book that you have referred to in regard to Waspee and Sarnochee? A Tega Lewis was one and my children; they were my home folks and they saw me when I wrote it.

By W. L. Mott, attorney for Creek Nation.

Statement: I do not want to be understood as cross examining my own witness but the other side not being represented and only desiring to know the facts I propound these questions for the purpose of testing the credibility of the witness.

Q How old are you? A Thirty four.

Q Where did you go to school? A Wetumka.

Q When? A About ten years ago.

Q How many years did you go? A Two or three years.

Q Why didn't you bring the original book here with you? A I didn't know that you were going to ask me anything about it.

Q Have you the original book at home? A Yes

Q When did you come here? A Yesterday.

Q Who came with you? A I came in with two white men and another Indian.

Q What Indian? A Lilly Warjo.

Q Have any other business here? A I came here to see about this.

Q Any other business? A No, sir I was told to come back here and make appearance here today.

COMMISSIONER.

Q Any one else die in your neighborhood in the past eight years that you made an entry about besides the ones you mention? A I don't know of anybody else.

Q Has any one else died in your neighborhood in the past eight years? A Sarnochee died seven years ago.

Q I know--but has any one else died in your neighborhood besides these you have an entry about in this book? A Whenever they died I put their date down and if they didn't die I didn't put it down.

Q Is that all the people died in your neighborhood in the past eight years? A All I know of. These are people that belong to my town.

Q Is that all the people living in your town that have died in the past eight years? A That lived right around there. Waspee was one, he was a member of my town. I have records at home of a lot of people that died; I make a record of every little thing that happens.

Q When you made these entries in the original book in recording Waspee and Sarnoechee did you think you were going to have to testify in regard to the time of their death? A No, sir I didn't know I would be called to testify about it.

Q What is your occupation? A Farmer; Sundays I go to church.

Q Are you the clerk of the church; do you keep a record of the people that are buried in any of the graveyards; have you any official capacity? A No, sir

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 7 day of August 1906.

Anna Garrigues
Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, INDIAN TERRITORY.
JULY 9, 1906.

In the matter of the right to enrollment of ~~Waspee~~, deceased, as a citizen of the Creek Nations.

Tony Larney being first duly sworn, testified as follows:

Questions by Commissioner, through sworn interpreter, Wm. McCombs.

- Q: What is your name? A: Tony Larney.
Q: How old are you? A: I don't know my age correctly but I think I am about 30 years old.
Q: What is your post-office address? A: Yeager.
Q: Have you testified previously in this matter? A: No sir.
Q: Were you acquainted with one Waspee? A: Yes sir.
Q: Do you know the names of his parents? A: I don't know the parents.
Q: Was Waspee ever called anything else? A: That is the only name I know.
Q: Was he ever called Waspee McCain? A: I never heard the surname but I heard Waspee.
Q: What Creek Indian town do you belong to? A: To Tuckabatchee.
Q: Was his father's name Par-ne-chee? A: I don't know.
Q: How old was Waspee when he died? A: I don't know Waspee's age but he was older than I am.
Q: Where did he live prior to his death? A: We were neighbors living near Yeager.
Q: Do you know whether his post-office was Holdenville?
A: I don't know, I think probably his post-office might have been Wewoka.
Q: Did you ever hear that his mother's name was Lizzie?
A: No, I did not.
Q: Was there anybody else by the name of Waspee you ever knew of? A: No sir.
Q: Was he a grown man at the time of his death? A: Yes sir.
Q: Was he 21 years old or 31 years old or do you know anything about number or dates? A: I am satisfied he was 34 or 35 years old.
Q: Do you know any of the relatives of Waspee? A: Yes, I knew a member of his family that died.
Q: What was the name of the member? A: Wilson.
Q: Did you ever hear of a person called Cechigee, a woman?
A: ~~She~~ Cechigee is living yet. I don't know whether she is a sister, aunt or cousin.
Q: Was Cechigee a relative of Waspee? A: Yes sir. She is kin to me too but I can't tell what relation.
Q: Do you know Philip Marshall? A: Yes sir.
Q: Was he a relative of Waspee's? A: I only heard that they were related.
Q: Was Waspee same as or sometimes called Washburn?
A: Yes, he was frequently called Washburn.
Q: How far were you living from Waspee when he died? A: About 1/2 mile East of his place, he died at Cechigee's a half mile east of his place.
Q: Did you see him on his death bed? A: Yes sir.

- Q: Did you attend the funeral? A: Yes sir.
- Q: Did you help bury him? A: No sir.
- Q: Do you know where he was buried? A: He was buried about a half mile from the place where he died.
- Q: Was he buried in a regular cemetery? A: Yes sir.
- Q: Is there any name to that cemetery? A: It is North of the place and they just call it a grave-yard.
- Q: Was there any head-board put over that grave with regard to showing the date of death? A: Yes sir.
- Q: Did you ever see that record? A: I saw the head-board, I saw them making a record on the board but I didn't walk up and read it.
- Q: You don't know what was on that record then, do you?
- A: No sir, I don't.
- Q: Do you know the date of death that he died? A: 25th. day of March, 1899.
- Q: How do you know the date so exactly? A: I remember it by the circumstances of the man's death and burial.
- Q: Did you make any record of it yourself? A: No.
- Q: Do you know if any record was made of it, in any book in writing? A: I don't know.
- Q: Do you remember the opening of the Creek Land office? Here in Muskogee? A: The only knowledge I have of that, I knew it was opened the same year that this man died.
- Q: Was it opened before his death or after his death? A: After his death.
- Q: Do you remember the dates of the death of other people as accurately as you do that of Waspee? A: I don't remember any other.
- Q: Have you any relations that have died, any brothers or sisters? A: Yes sir.
- Q: Can you give me the date of death of any one of them?
- A: I remember the date of my father's death well.
- Q: What was the date of your father's death? A: Jan. 29, 1899 It was on Sunday that he died.
- Q: Did Waspee die before the date of the death of your father or afterwards? A: My father died first.
- Q: How long after your father's death did Waspee die?
- A: It was about 2 months or just after one month but it wasn't any longer than that.
- Q: Has anyone told you the exact date of death of Waspee in order that you might come up here and testify as to the exact date? A: I am testifying to my own knowledge now nobody has asked me.
- Q: How many brothers did you have that are dead? A: A brother about that high (indicating about 4 feet high)
- Q: A sister and your father and mother and brother, there are 4 members of your family that are dead, do you remember the date of death of your mother? A: She died during the small-pox epidemic and I had the small-pox and was in bed and she died with the small-pox in the same house.
- Q: Was that during the severe epidemic of the small-pox that was raging in the eastern part of the Creek Nation at that time? A: Yes sir.
- Q: Did Waspee die with the small-pox? A: No, he didn't die with the small-pox.
- Q: Did he die during the small-pox epidemic? A: I am not certain but I think it was just before the epidemic.
- Q: When were you sick with the small-pox? A: I am not able to tell what year it was.
- Q: Well did Waspee die before you were taken sick with the small-pox or after you had gotten up from the small-pox?
- A: ~~I am not able to state whether it was before or afterwards.~~
- A: I am not able to state whether it was before or afterwards.

- Q: Did Waspee die before your mother died, you said your mother died with the small-pox?
A: Waspee died first.
Q: Was your mother sick with the small-pox at the time of his death? A: She didn't have the small-pox at the time he died but it was not long after Waspee died that my mother took the small-pox.
Q: Was your mother taken to any of the pest camps that were established? A: No sir.
Q: Do you remember when these pest camps were established?
A: Yes sir I knew there were pest camps.
Q: Where were these camps? A: North-east about 4 miles from where I lived then.
Q: Was Charley Coker as near related as you are?
A: I don't know Charley Coker.
Q: Do you live anywhere near Hillabee Creek?
A: No sir, I live 6 miles North of Heldenville.
Q: Do you know when these pest camps were established on Hillabee? A: I don't know.
Q: When was this small-pox epidemic, do you know the year?
A: I don't know the year.
Q: Was the small-pox epidemic before or after the opening of the land office? A: Before.
Q: How long before, how long had it started before the land office opened? A: I think it wasn't quite a year.
Q: Do you know any of the family of Novis Fixico? A: Yes I know them.
Q: Did they have ~~them~~ the small-pox? A: I heard that one of his sons had the small-pox and was hauled to the pest house but the other members of the family, I don't know whether they had it or not.
Q: Did you hear whether that son of Fixico's died at that time?
A: No sir.
Q: How far was that pest-house from where you lived?
A: I don't know anything about it. I knew the Novis Fixico at Tuckabatchee but I didn't know about the Novis Fixico family up on the Hillabeehutchee.
Q: Do you know whether Cochigee or John McCain, or any of the heirs of Waspee were notified of this hearing today?
A: I don't know.
Q: Do you know whether Cochigee gets her mail at Heldenville?
A: I don't know but I think that is where she gets her mail that would be more convenient for her.
Q: Do you know the exact date of death of the other members of your family who have died excepting the date of death of your father? A: That is all I know.

Questions by L. M. Mott, counsel for Creek Nation.

- Q: Why is it you remember so distinctly the date of death of Waspee? A: I know it by knowing the exact date of death of Waspee, I have always remembered that.
Q: Was Waspee any kin to you? A: No sir.
Q: Why do you know the date of death of Waspee and don't know the date of death of your mother and other members of your family? A: In regard to the date of death of my mother I was sick in bed and I don't remember it and I don't know what happened at that time.
Q: What happened to make you remember Waspee? A: I was well and present and remember it.
Q: If for you to remember so clearly the date of death of one who is no relation to you and not to remember one who is related to you, does not seem to be a good reason and appears strange to the Commission and to others that you remember so clearly the date of someone who was nothing

to you that happened sometime ago and don't know the date of these who are or should be necessarily dear to you.

A: I didn't notice particularly about it because there was ~~nothing said about the land office, but since that has been~~ opened I have got to noticing dates and things that transpired, but the other part of the question, I don't know and I can't answer it.

Q: How old was Waspee? A: I don't know the exact date but he was about 34 or 35 years old.

Q: Was he a companion or associate of yours, did you play with him or associate with him to any great extent?

A: Yes, I associated with him.

Q: Was it Sunday when he died or what time was it? A: I don't know what day of the week it was.

Questions by Commissioner:

Q: Are you on friendly relations with the heirs of Waspee? Relatives of his? A: Yes sir.

Q: You have no enmity towards any of them? A: No sir.

Q: Do you know whether Philip Marshall was a relative of his?

A: I have only heard that he is related to him but the relationship I don't know.

Q: Do you know whether Philip Marshall knew anything about this hearing here today? A: I don't know.

Q: Was it known in the neighborhood that they were taking testimony in regard to the members of this case?

A: I don't know.

Q: Who told you to come up here?

A: Mr. Deere told me that this case was coming up and wanted me to come as a witness, and when Lawyer Deere got the notice he told me that the time had been set and I had to appear at this time.

Q: Did Lawyer Deere prompt you what to testify to?

A: He didn't prompt me, and my answer to Lawyer Deere was that I knew the year but the date, I was not there and that is the only testimony I could give in the case.

Q: Haven't you given an exact date for the death of Waspee?

A: I gave the date but I don't know the day of the week.

Questions by L. M. Mott: Counsel for Creek Nation.

Q: Have you seen any of the heirs of Waspee since Deere told you they wanted you as a witness? A: I hadn't seen them.

Q: Do you know how many heirs there are? A: I don't know.

Q: Have you talked to any of the heirs about being a witness in this case? A: No, I haven't seen them.

Mitchell Compere, being first duly sworn, testified as follows:

Questions by Commissioner, through sworn interpreter.

Q: What is your name? A: Mitchell Compere.

Q: How old are you? A: About 30.

Q: What is your post-office address? A: Yeager.

Q: Were you acquainted with one, Waspee sometimes called Washburn? A: Yes sir.

Q: Is Waspee living? A: He is dead.

- Q: How far did you live from him during his life-time?
A: Well between 2 and 3 miles.
- Q: Were you well acquainted with the family? A: Yes sir.
- Q: How old was he when he died, about? A: I think he was past 30 years.
- Q: Do you know the name of his father or mother?
A: I don't know them.
- Q: Do you know whether he was a relative of Cochigee?
A: Yes sir, a distant relation.
- Q: Was he related to John McCain? A: Yes sir.
- Q: Did you see him on his death bed? A: I did not see him.
- Q: Were you there when he was buried? A: I was employed away from home when he died.
- Q: Did you attend the burial of this man?
A: I wasn't at the burial but I was among those who built the grave house.
- Q: Was there a head-board put at that grave? A: Yes sir.
- Q: Was that put there immediately after the burial of Vaspee?
A: Yes sir.
- Q: Was there any record on that head-board? A: No, I never noticed it.
- Q: How long after the burial was that grave-house put over the grave? A: A week or more afterwards.
- Q: Do you know the date of the death of Vaspee?
A: I know the year and about the month he died in but the day I don't know.
- Q: What year was it? A: 1899.
- Q: What month? A: March 25th.
- Q: How do you happen to remember that date so accurately?
A: I remember the date by this circumstance, the opening of the land office.
- Q: Did you make any record of the date of the death?
A: No I didn't make any record of it.
- Q: Do you know the date of the week that he died? A: No sir I don't remember that.
- Q: Did he die before the opening of the Creek Land office?
A: Yes sir.
- Q: How long before? A: About 1899, April 1st, it was very near the opening of the land office.
- Q: Do you know how many days before the opening of the land office? A: He died the 25th. of March and the following April the land office opened.
- Q: Now isn't it a fact or is it a fact that someone has told about this and given you the exact date so you could come in here and testify about the exact date? A: I am testifying upon my own ~~information~~ knowledge.
- Q: Have you any brothers that are dead? A: " 2 died in infancy and I am the only living child of my parents.
- Q: Is your mother and father living? A: They are both dead.
- Q: Do you know when they died? A: Yes, I think I know the date of my father's death.
- Q: What was the date, the exact date and can you swear to it as positively as you do to the date of the death of Vaspee?
A: My father didn't raise me, my father lived some distance away and I heard of his death and went to see him.
- Q: Can you give the date of his death, do you remember what was told you was the date of his death? A: He died in 1903 after he had filed on his land.
- Q: Do you know the date of the death of your mother?
A: I was small when my mother died.
- Q: You don't remember it? A: No sir.
- Q: Do you know Philip Marshall? A: Yes sir.

- Q: Do you know whether he knew anything about this hearing taking place here today? A: I don't know.
- Q: Do you know whether any of the heirs of Waspee knew about the hearing here? A: I don't know.
- I was under the impression they were here because when we were here the first time, they were told that the other side was going to be notified and when I left home, I was under the impression that they were here to.
- Q: Do you know Cochigee? A: Yes sir.
- Q: Have you seen her lately? A: I saw her last week she had been sick a good while but she got up and went to my house last week on a visit.
- Q: Did you talk with her about these matters and about the date of death of Waspee, did you tell her you were coming up here to testify? A: Just after she got to my house I got notice my cattle was going to break into somebody else's place and I went off, of course the other members of the family had talked together.
- Q: Do you know whether any mention was made by any of the other members of the family about this matter to Cochigee? A: No sir.
- Q: Do you know John McCain? A: John McCain was my uncle, and I knew him well.
- Q: Have you talked to him about this matter lately? A: Yes, I talked to him about it before he died.
- Q: Before John McCain died? A: Yes sir.
- Me and John McCain made this grave house over Washbee. John McCain died last year, just a year now.
- Q: Do you know the exact date of the month and the day of the week? A: He died in July but the exact date I don't know.
- Q: How do you account for the fact that you can give the exact date of the death of Waspee and you cannot give the exact date of the death of your uncle or the exact date of the death of any of your other relations? A: I know the exact date of the death of Waspee, if I didn't know I wouldn't swear it.
- Q: Did Waspee die with the small-pox? A: No sir.
- Q: Do you remember when the small-pox epidemic prevailed in the eastern part of this Nation? A: I heard about it.
- Q: Do you know when it started and when it stopped? A: I had it pretty bad but I don't know exactly when it commenced and when it stopped.
- Q: When did you have it? A: About 1902.
- Q: Well that isn't the epidemic I refer to. Do you remember the epidemic when they established pest houses in different places. A: It was about 1900 I took it up to the Oklahoma line that my uncle Tom took it and they hauled me back to town, that was about 1900.
- Q: Do you remember where these pest camps were situated? A: Right by Lawyer Deere's place in Tuckabatchee.
- Q: Do you remember of any pest camps being established at Charley Cohers place and on the Hillebutchee? A: No, I don't know. (Witness evidently refers to a different epidemic of the small pox.)
- Q: When did you file on land in that Creek Nation? A: I didn't file my uncle filed for me.
- Q: Don't you know when he filed for you? A: He lived away up the line my uncle filed for me I don't know anything about it.
- Q: Are you friendly towards the heirs of Waspee? A: They are all my friends.
- Q: Were you friendly with John McCain before his death? A: John McCain was my uncle and I couldn't be unfriendly with him.

- Q: Who are the heirs of Waspee now living? A: There are several of them but I don't know the closest heirs.
 Q: Who is living on that land that was allotted to Waspee?
 A: I don't know where he has filed.
 Questions by L. M. Hott, Attorney for Creek Nation.

- Q: Can you give any circumstance that causes you to say he died on the 25th of March 1899? A: I know by the opening of the land office.
 Q: You didn't come to Muskegee when the land office was opened did you? A: No sir I didn't come.
 Q: Then how do you remember it? A: I heard that the Creeks had commenced filing on the land, I just heard it, I didn't come myself.
 Q: How many days before you heard that did Waspee die?
 A: Waspee died the 25th. day of March the following April, the first day of April, Robert Stewart told me that the land office was opened.
 Q: Did Robert Stewart tell you on that day that the land office had opened or did he tell you after that that the land office had opened? A: He was in the town of Wetumka three days before the opening of the land office and said that on the 1st of April the land office was going to open.
 Q: Who was? A: Robert Stewart, he was notifying the people that the land office would open on the 1st. day of April 3 days before it opened.

Corneegee Low, being first duly sworn, testified as follows

Questions by Commissioner, through sworn interpreter, Wm. McCombs.

- Q: What is your name? A: Corneegee Low.
 Q: How old are you? A: 34.
 Q: What is your post-office address? A: Holdenville.
 Q: Were you acquainted with one, Waspee? A: Yes sir.
 Q: Did he ever go by the name of Washburn? A: I knew him by the name of Waspee. (The english of that would be Washburn)
 Q: What was the name of Waspee's father? A: I don't know his father's name.
 Q: ~~What was the name of Waspee's mother?~~
 Q: Did you know his mother? A: I did not.
 Q: Do you know any relatives of his? A: Yes sir I knew the relatives.
 Q: What relatives of Waspee's are now living?
 A: They are dead, there is only one living that I know of.
 Q: Who is that? A: Choshige.
 Q: How is he related to Waspee? A: Aunt.
 Q: Do you know John McCain? A: Yes sir.
 Q: Is he related to Waspee? A: Yes sir.
 Q: Is John McCain living or dead? A: Dead.
 Q: Are you related to Waspee? A: I am a distant relative on the mother's side.
 Q: Did you know Waspee well during his life-time?
 A: Yes sir.
 Q: How far did you live from him during his life-time?
 A: Well between one and a half and 2 miles.
 Q: Were you present when he died?

- A: I wasn't present when he died but I was at the funeral.
- Q: Where was he buried? A: Near by his place, Washbee's place.
- Q: Was there a head-board put over the grave? A: Yes sir.
- Q: Was there a grave-house put there? A: Yes there was a grave-house put over it but I wasn't present then.
- Q: When was the grave house put over it? A: I don't know, because I don't know.
- Q: When was the head-board put there? A: They put the head board there while they were covering the grave.
- Q: Was there any record showing the death on that board?
- A: I didn't notice.
- Q: Do you know what year Waspee died? A: Yes sir.
- Q: What year was it? A: The 28th. day of March 1899.
- Q: Who told you that? A: No-one.
- Q: How do you happen to remember the exact date? A: I remember it because I was a very close neighbor to him and knew when he died.
- Q: Did you make any record to keep it in mind?
- A: I have a record of the death of all my kin folks and I have it recorded ~~immediately~~. but not with me. I got a record of all my kin folks but not with me.
- Q: Have you a record of the death of Waspee? A: I have a record of the death of the kin folks and I am satisfied I have a record of the death of Waspee.
- Q: What did you make that record on, what kind of paper did you make it on? A: In a day book, I keep the record in a day book.
- Q: Have you that day book with you? A: No sir.
- Q: Have you that day book at home? A: Yes sir.
- Q: Do you know what page of the day book this entry was made on?
- A: It is not paged.
- Q: Have you had any relations who died the same year that Waspee died in that record. In that book are there any entries preceding the entry of the date of death of Waspee?
- A: Yes sir.
- Q: What entry or entries precede the record of his death?
- A: My sister died previous to Waspee's death and I know it.
- Q: That entry is right before the entry of Waspee's death?
- A: Yes sir.
- Q: Are there any ~~entries~~ entries following the entry of the death of Waspee? A: No, I haven't lost any relations since the death of Waspee and I have made no entries.
- Q: How were these entries made, with a pen or pencil? A: Pencil.
- Q: When did you make these entries? A: Immediately after the death I made the record.
- Q: Are there any entries on that page on which it appears this entry as to Waspee, following the entry in regard to Waspee? A: There is none.
- Q: How many entries are there immediately preceding Waspee on that page of the record? A: There is one.
- Q: Just one? A: Yes sir.
- Q: Then there are 2 entries on that page are there?
- A: There were two relatives of mine died before the death of Waspee.
- Q: Are both of these entries immediately preceding the entry of the death of Waspee and on the same page?
- A: It is in the same book but on different pages.
- Q: Well what was the name of one of these relatives that died before Waspee?

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A: Nellie Marshall.

Q: When did she die? A: In 1896.

Q: What date? A: August 23rd.

Q: What is the name of the other person concerning whom there is an entry in that book? A: Sumnoteska died after that.

Q: The entry in regard to Sumnoteska appears on another page of the book does it? A: Yes sir.

Q: When did Sumnoteska die? A: 1899. 8th. day of Jan, 1899.

Q: Have you any brothers or sisters that have died? A: No only what I reported.

Q: Is you mother or father living? A: Mother is living.

Q: Is your father dead? A: Yes sir.

Q: When did he die? A: I don't know my father died when I was a child.

Q: Were you present in Muskogee when the land office opened?

A: No, I wasn't present when the land office opened.

Q: Do you know when it opened? A: I don't know the exact time the land office opened but I didn't file until 2 years after the land office opened.

Q: Do you know what date you filed on? A: January 1900.

Q: You don't know the day of the month? A: No sir.

Q: How long before you filed had Waspee died? A: About 2 years or nearly two years.

Q: Are you on friendly terms with Philip Marshall?

A: Yes sir.

Q: Are you on friendly terms with ~~Sumnoteska~~ Cochigee?

A: Yes sir.

Q: Who told you about this hearing here in regard to Waspee?

A: Lawyer Deere got the notice from this office and he told me about the notice.

Q: Did Lawyer Deere tell you what to testify to?

A: Lawyer Deere didn't advise me to do anything but he asked me if I knew about this matter and I told him in the matter in the line he was questioning me what I knew and he said I would do to be a witness.

Witness is requested to produce the record hat he has referred to in which appears the entry of the death of Waspee, before this office.

Thomas Long being first duly sworn, testified as follows:
 Questions by Commissioner: Through sworn interpreter,
 Wm. McCombs.

Q: Do you know anything more about this case than when you testified here before the commission on March 3rd.

A: No, I don't know.

Q: Do you know whether Philip Marshall or any of the other relatives of Waspee ever knew of the hearing of this case here today? A: Yes they knew it, I informed them myself.

Q: Did you tell Philip Marshall about it? A: No sir.

Q: Who did you tell? A: I told Cochigee, Cochigee is an invalid.

Q: Are there any other heirs of Waspee that you know of who would have been able to come here? A: No sir.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of the testimony as appear in my stenographic notes, as taken by me in said cause on said date.

Julia C Laval

Subscribed and sworn to
before me this 21 day of July, 1906.

H. H. Hains
Notary Public.

See page following

Statement by L. M. Mott, attorney for Creek Nation.

National Attorney desires to state that in the examination of Lawyer Deere and Mitchell Gempere, in the different cases, one after the other, their demeanor upon the stand impressed me with the conviction that their testimony was not of such a character as could be relied upon. The force of this cannot be appreciated by one merely reading the testimony, and I do not desire this statement to be understood as affecting the decision of the Commission in this case, and is meant to apply only to the two witnesses above mentioned, without regard to the testimony of other witnesses.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and correct statement of L. M. Mott taken in proceedings had in the matter of the application for the enrollment of ----Waspee on July 9, 1906, and the same is made a part of the record in this case according to the implied direction of Mr. Mott.

Executive Office,

MUSKOGEE NATION.

P. PORTER, Principal Chief.
M. L. MOTT, National Attorney.

Copy

Muskogee, Indian Territory.

Sept. 3rd 1904.

Hon. E. A. Hitchcock.

Sect. of the Interior.

Washington, D. C.

My dear Sir:-

Affidavits having been made that Waspee Roll No, 9010.
Deed No. My land died prior to April 1st 1899. I will thank you
to direct reopening of the case that I may have opportunity to offer
this testimony. I have several additional witnesses to offer in
support of these affidavits upon rehearing of the case.

Yours very truly.

M. L. Mott

National Attorney.

E. M.

Muskogee, Indian Territory, September 14, 1904.

The Honorable

The Secretary of the Interior.

Sir:-

The name of Waspee is contained in the partial list of citizens by blood of the Creek Nation, approved March 28, 1902, No. 9010. September 3, the attorney for the Creek Nation delivered to the Commission, for transmission to the Department, a communication, in the nature of a motion to re-open the case, and an affidavit, executed by Lawyer Deer and Thomas Long, relative to the date of death of said Waspee. It appears from said affidavit that the said deceased Waspee died prior to April 1, 1899.

It also appears from the records of the Commission that an uncle and an aunt and two acquaintances made affidavit that said Waspee died subsequent to April 1, 1899.

It is recommended that the case be not re-opened. The communication of the Creek Attorney and affidavit of Lawyer Deer and Thomas Long are inclosed herewith for Departmental consideration.

Respectfully,

Through the
Commissioner of Indian Affairs.

Chairman.

DCN. 7-14/6.

E.M.

Muskogee, Indian Territory, September 14, 1904.

E. B. Miller,
Chief Clerk,
Creek Land Office.

Dear Sir:

You are directed to suspend action in the matter of making allotment of lands in the Creek Nation to the heirs of Waspee, deceased, whose name appears upon the Approved Creek Indian Roll, No. 9010, until further advised.

The attorney for the Creek Nation has asked the Department to re-open the case, relative to the enrollment of said Waspee, on the ground that he has sufficient evidence to show that Waspee died prior to April 1, 1899.

Respectfully,

Chairman.

Land:
64359-1904
64360-1904
64361-1904
64363-1904
64364-1904
64365-1904

COPY

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated September 14, 1904, transmitting affidavits of Lawyer Deer and Thomas Long, relative to the death of Sarnochka, who has been enrolled as a citizen by blood of the Cherokee (Creek?) Nation at No. 8580.

They state in said affidavit that Sarnochka died prior to April 1, 1899. There are also before this office and enclosed herewith similar affidavits of the two affiants mentioned, relative to the death of Aaron McGirt, No. 8579, Waspee, No. 9010, Polly Larney, No. 8943, Millie Davis, No. 6966, and George Washington, No. 5324.

In view of the position taken by this office and in order that the whole subject may be before you, I have concluded to forward all of the Commission's reports and the affidavits mentioned with this report.

The affiants with reference to the death of Sarnochka say that they knew her intimately and that she died prior to April 1, 1899.

Their affidavit with reference to Aaron McGirt is identical with the one just mentioned and the Commission say that proof of death in this case has been filed by Palmer Noon, half brother of the deceased citizen and two acquaintances, which shows that Aaron McGirt died in March, 1900.

The Commission reports that from their records it appears that Thomas Long, one of the affiants in the affidavit mentioned, filed with them September 12, 1901, affidavit stating that Polly Larney, died August 6, 1899, and that the affidavit of the grand-mother Polly Larney is to the same effect.

The Commission's report relative to Waspee shows that an uncle and two acquaintances made affidavit that the said Waspee died subsequent to April 1, 1899, and that from their records it appears that James Davis, husband of Millie Davis and Salena Davis made affidavit that Millie Davis died on October 4, 1899.

The Commission does not make any statement with reference to what their records show concerning the death of George Washington.

Accompanying each report of the Commission is a communication from Mr. Mott, attorney for the Creek Nation, requesting that the cases be reopened and a rehearing had and the Commission recommends that his request with reference to all the cases be granted.

This office is unwilling to recommend the reopening of these cases on the affidavits before it. They are all in the same form and several of them are carbon copies of an original, and in each instance a blank space was left to insert the name of the person to whom the affidavit relates. The names of the affiants however, are in typewriting. Furthermore, it is not shown by the affidavits whether the affiants lived in the same vicinity that the deceased persons lived during their lifetime, although the affiants state they knew each intimately.

The Commission's report relative to Polly Larney, Land, 64363, shows that Thomas Long, one of the affiants in each of the cases herein mentioned, filed with the Commission September 12, 1901, his

affidavit stating that Polly Larney died August 6, 1899, and it is believed that this action itself is sufficient to warrant the Department in refusing to reopen the cases on the information before it, and I respectfully recommend that the Commission be advised that said case will not be reopened on the affidavits presented.

Very respectfully,

A.C. Tenner,

Acting Commissioner.

GAW-IM.

I.T.D. 8140-1904.

DEPARTMENT OF THE INTERIOR,

JHE. JP.

WASHINGTON, October 1, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

September 14, 1904, you transmitted an affidavit of Lawyer Deer and Thomas Long, relative to the death of Barnockka, who has been enrolled as a citizen by blood of the Creek Nation, opposite No. 8580, from which it appears that the party died prior to April 1, 1899.

Reporting in the matter September 26, 1904, the Acting Commissioner of Indian Affairs submitted similar affidavits of the two ~~affidavits~~ mentioned, relative to the death of Aaron McGirt, roll number 8579, Waspee, No. 9010, Polly Larney, No. 8943, Millie Davis, No. 6966, and George Washington, No. 8384.

The Acting Commissioner points out discrepancies between affidavits filed at different times as to the death of several of these parties, and states that he is unwilling to recommend the reopening of the case, as recommended by you, on the affidavits now presented, and calls attention to the fact that the affidavits are all of the same form and several of them are carbon copies of the original, and in each instance a blank space was left to insert the name of the person to whom the affidavit relates.

The attorney for the Creek Nation requests that the cases be reopened, and that a rehearing be had in each.

Even though the affidavits submitted may not be entirely satisfactory, there appears to be no reason why careful investigation should not be had by you to determine whether the enrollment of those persons was proper. The authority requested is therefore granted. The papers received with the Acting Commissioner's letter, except your report, are inclosed together with a copy of the acting Commissioner's letter. If deemed necessary, you can require further affidavits before proceeding with the investigation.

Respectfully,

(Signed) Theo. Ryan,

Acting Secretary.

10 inclosures.

Cr En 938

Muskogee, Indian Territory, November 13, 1903.

Alex Pacey.

Okemah, Indian Territory.

Dear Sir:

You are directed to take testimony for the purpose of ascertaining the exact date of the death of Waspee (deceased), whose name is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite Roll No. 9010.

September 14, 1904, the right to enrollment of said Waspee was reopened by the Secretary of the Interior on motion of the attorney for the Creek Nation. Said motion was accompanied by affidavit executed by Lawyer Deere and Thomas Long to the effect that said Waspee died prior to April 1, 1899. There are on file in this Office affidavits executed September 13, 1901, by Doohigee, an aunt, and John McKen, an acquaintance of said Waspee to the effect that said Waspee died April 5, 1899, and affidavits executed February 12, 1903, by Philip Marshall, an uncle, and John Sippley, an acquaintance of said Waspee to the effect that said Waspee died April 5, 1899. The postoffice address of all of said affiants is given as Holdenville, Indian Territory.

Respectfully,

Commissioner.

PLEASE IN REPLY TO THE FOLLOWING:

En. 938.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 19, 1906.

Jim Sippley,

Holdenville, Indian Territory.

Dear Sir:

February 8, 1906, a letter was addressed to you by this office notifying you that a rehearing would be had in the matter of the enrollment of Waspee, deceased, as a citizen of the Creek Nation, on February 19, 1906, said case being reopened by the Department under date of October 1, 1904, on motion of the attorney for the Creek Nation, accompanied by affidavits to the effect that he died prior to April 1, 1899. Evidence was submitted in the case on the date set and also on March 3, 1906.

Your testimony is desired in this matter and you are hereby notified that a rehearing will be had in the case at the office of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, on July 6, 1906, at which time and place you are requested to appear and testify.

-2-

The attorney for the Creek Nation has been notified of said rehearing and that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,

A handwritten signature, possibly "J. H. ...", written in dark ink. The signature is slanted upwards to the right and consists of a series of connected strokes.

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

In. 938.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

My

~~Muskogee, Indian Territory, June 19, 1906.~~

Cochigee,

Holdenville, Indian Territory.

Dear Madam:

February 8, 1906, a letter was addressed to you by this office notifying you that a rehearing would be had in the matter of the enrollment of Waspee, deceased, as a citizen of the Creek Nation, on February 19, 1906, said case being reopened by the Department under date of October 1, 1904, on motion of the attorney for the Creek Nation, accompanied by affidavits to the effect that he died prior to April 1, 1899. Evidence was submitted in the case on the date set and also on March 3, 1906.

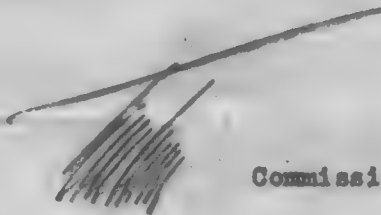
Your testimony is desired in this matter and you are hereby notified that a rehearing will be had in the case at the office of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, on July 6, 1906, at which time you are requested to appear and testify.

The attorney for the Creek Nation has been

-2-

notified of said rehearing and that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,

A handwritten signature, possibly "J. Edgar Hoover", written in dark ink. The signature is stylized with a long horizontal stroke at the top and a series of vertical strokes below it.

Commissioner.

REPORT IN REPLY TO THE FOLLOWING:

No. 938.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 19, 1906.

John McKan,

Holdenville, Indian Territory.

Dear Sir:

February 8, 1906, a letter was addressed to you by this office notifying you that a rehearing would be had in the matter of the enrollment of Waspee, deceased, as a citizen of the Creek Nation, on February 19, 1906, said case being reopened by the Department under date of October 1, 1904, on motion of the attorney for the Creek Nation, accompanied by affidavits to the effect that he died prior to April 1, 1899. Evidence was submitted in the case on the date set and also on March 3, 1906.

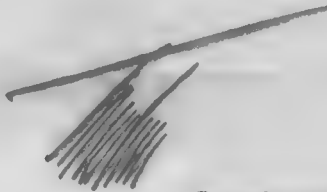
Your testimony is desired in this matter and you are hereby notified that a rehearing will be had in the case at the office of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, on July 6, 1906, at which time and place you are requested to appear and testify.

The attorney for the Creek Nation has been

-2-

notified of said rehearing and that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,

A handwritten signature, possibly "J. Edgar Hoover", written in dark ink. The signature is slanted upwards to the right and consists of a series of connected, somewhat stylized letters.

Commissioner.

Muskogee, Indian Territory, October 30, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

September 16, 1904, the Commission to the Five Civilized Tribes transmitted to the Department a communication from the attorney for the Creek Nation, in the nature of a motion to reopen the matter of the right to enrollment of Wapsee, deceased, whose name appears on the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite No. 9010. Said motion was accompanied by an affidavit executed by Lawyer Deere and Thomas Long to the effect that said Wapsee died prior to April 1, 1890.

The Commission to the Five Civilized Tribes, in its report transmitting said motion and affidavit, recommended that the case be not reopened, and stated that it appeared

Secretary B.

from its records that there had been filed in this case proof of death of said Waspee executed by an uncle and an aunt and by two acquaintances which proof is to the effect that said Waspee died subsequent to April 1, 1899.

October 1, 1904 (I.T.D. 8140-1904), the Department reopened said case and authorized the Commission to investigate whether the enrollment of said Waspee, deceased, was proper.

In compliance with verbal requests of the attorney for the Creek Nation, action in this case was suspended from time to time until July 11, 1905, on which date the parties in interest were notified that the case was set for hearing August 8, 1905, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

No appearances were made on the day set.

July 24, 1905, this office received a communication from the attorney for the Creek Nation withdrawing all motions to reopen Creek enrollment cases filed by him prior to the meeting of the Creek council in October, 1904.

October 2, 1905, a report was transmitted to the Department in the matter of the right to enrollment of Aaron McGirt, deceased, and it was recommended in said matter that

Secretary B.

in view of the facts in the case and of the action of the attorney for the Creek Nation in withdrawing his motion to reopen same, that the enrollment of said Aaron McDirt, deceased, be allowed to stand.

The Department under date of November 3, 1905 (I.T.D. 14280-1905), directed that an investigation be had as to the right to enrollment of said Aaron McDirt, deceased, stating that "it is not necessary for the Creek Nation to supply funds to investigate this matter. You are authorized to see that correct rolls of Creek citizens be made, and have been furnished with the means necessary for that purpose".

In accordance with instructions as above set out, a hearing as to the right to enrollment of said Wapsee, deceased, was set for August 8, 1905. No appearances were made on said date.

The parties in interest were notified that a hearing would be had on February 19, 1906 and testimony was taken in this matter on said date and on February 20, 1906. Testimony was also taken on March 3, 1906. The parties in interest were notified that a further hearing would be had on July 6, 1906; no appearances were made on said date, but on July 9,

Secretary 4.

and July 21, 1906, further proceedings were had in the matter. A copy of the transcript of proceedings had on July 10, 1906, in the matter of the right to enrollment of Samwatha, deceased, as a citizen of the Creek Nation is also made part of the record herein.

As to the character of the evidence introduced in the later proceedings had in this matter, brief reference is made to certain portions of the testimony of the different witnesses:

Philip Marshall (an uncle of Waspee) who made affidavit under date of February 12, 1903, as to the date of death of said applicant, testifies that he does not know the year the land office was opened; that he does not know the year in which Waspee died but he knows that he died in the month of April; that the affidavits were made out according to the recollection of one Jim Hippy, who has since died; that he does not remember the date of death of his own child Johnnie. In reply to the question, "We have an affidavit here, executed by you in 1901, in which you say that your child, Johnnie Marshall, was born about the 5th of July, 1899, and we also have your affidavit that Waspee died in April 1899. April is before July, how do you explain that?" witness

Secretary B.

answered, "Indians are very likely to make mistakes as they do not keep records of any happenings".

On February 20, witness testified that Wapsee died the spring following April 1890 and that witness had a brother who died about the opening of the land office but does not know the month in which he died.

Thomas Long, one of the affiants upon whose affidavit the motion to reopen this case was based, testified that he was not present when Wapsee died and did not attend his funeral, but is positive said applicant died prior to the opening of the Creek land office.

As to the character of the testimony of witnesses, Lawyer Deere and Mitchell Compere, attention is invited to the statement of the attorney for the Creek Nation at the conclusion of the hearing had on July 9, 1906, to the effect that he is of the opinion that their testimony is not of such a character as could be relied upon.

Tommy Larney states that he was present at the death of Wapsee and attended his funeral; that applicant died March 20, 1890; that he did not make a record as to the date of death. Witness gives the date of death of his father as January 20,

Secretary C.

1899 and states that Wapsee died after that date. Witness does not remember the date of death of his own mother nor the other members of his own immediate family.

Cernosegus Low states that he is a distant relative and attended the funeral of Wapsee; that Wapsee died March 25, 1899 and that he made a record of the date. Witness does not know the exact date of the opening of the Creek land office nor does he know the exact date of death of his own father. At a later proceeding witness presents in evidence a memorandum book in which was written (alleged to be copied from an original entry), in pencil "March 1st 1899, Wapsee". It will be noted that the date shown in said memorandum book does not agree with the previous testimony of this witness as to the date of death of Wapsee. In said memorandum book also appears an entry in regard to Sarnoshee reading as follows: "Sarnoshee, January 8, 1899" and it will be noted that in proceedings had July 10, 1906, in the matter of the right to enrollment of Sarnoshka (or Sarnoshee), witness testified that he did not make a record of the date of her death.

Considering the character of the evidence introduced in the later proceedings had in this matter, I am of the opinion

Secretary V.

that it is not proven that said Waspee died prior to April 1, 1899, the date of opening of the Creek land office, and respectfully recommend that the enrollment of said Waspee, deceased, whose name appears on the approved roll of citizens by blood of the Creek Nation, opposite No. 9010, be allowed to stand.

A complete copy of the record in the case is herewith enclosed.

Respectfully,

Through the
Commissioner of Indian Affairs

Commissioner.

AG-500

Refer in reply to the following:

Land: 36243-1906.

CONF

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, November 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of October 30, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, who refers to the fact that on September 14, 1904, the Commission to the Five Civilized Tribes transmitted to the Department a communication from the attorney for the Creek Nation, in the nature of a motion to reopen the matter of the right to enrollment of Waspee, deceased, whose name appears on the partial list of citizens by blood of the Creek Nation, approved by the Department on March 28, 1902, opposite No. 9010, and he says that the motion was accompanied by an affidavit executed by Lawyer Deere and Thomas Long, to the effect that Waspee died prior to April 1, 1899.

Mr. Bixby says that the Commission in its report transmitting the motion and affidavit, recommended that the case be not reopened, and said that it appeared from its record that there had been filed in the case proof of death of Waspee, executed by an uncle and an aunt, and by two acquaintances, which proof is to the effect that Waspee died subsequent to April 1, 1899.

On October 1, 1904 (I.T.D. 8140-1904), the Department reopened the case and authorized the Commission to investigate whether the enrollment of Waspee, deceased, was proper.

The Commissioner reports that in compliance with verbal requests of the attorney for the Creek Nation, action in this case was suspended from time to time until July 11, 1905, on which date the parties in interest were notified that the case was set for hearing August 8, 1905, at the office of the Commissioner in Muskogee. No appearances were made on the days set.

The Commissioner further reports that on July 24, 1905, his office received a communication from the attorney for the Creek Nation, withdrawing all motions to reopen Creek enrollment cases filed by him prior to the meeting of the Creek Council in October, 1904.

On October 2, 1905, a report was transmitted by the Commissioner to the Department in the matter of the right to enrollment of Aaron McGirt, deceased, and he recommended that in view of the facts in the case and the action of the attorney for the Creek Nation in withdrawing his motion to reopen, that the enrollment of McGirt be allowed to stand.

The Department, under date of November 3, 1905, (I.T.D. 14250-1905), directed that an investigation be had as to the right to enrollment of Aaron McGirt, deceased, saying ^{that} "it is not necessary for the Creek Nation to supply funds to investigate this matter. You are authorized to see that correct rolls of Creek citizens be made and have been furnished with the means necessary

for that purpose."

In accordance with these instructions the Commissioner says that a hearing was set for August 8, 1906, concerning the right of Waspee, deceased, to enrollment, and that no appearances were made on the date named.

Subsequently he notified the parties in interest that a hearing would be had on February 19, 1906, and testimony was taken on that date and on February 20, 1906. Further testimony was taken on March 3, 1906. He again notified the parties in interest that a further hearing would be had on July 6, 1906, and no appearances were made on that date, but on July 9 and 21, 1906, further proceedings were had in the matter. He makes a part of the record copy of the proceedings had on July 10, 1906.

As to the character of the evidence introduced in the later proceedings, the Commissioner makes brief reference to certain parts of the testimony of the different witnesses as follows:

Philip Marshall (an uncle of Waspee) who made affidavit under date of February 22, 1903, as to the date of death of said applicant, testifies that he does not know the year the land office was opened; that he does not know the year in which Waspee died but he knows that he died in the month of April; that the affidavits were made out according to the recollection of one Jim Sippey, who has since died; that he does not remember the date of death of his own child Johnnie. In reply to the question, "we have an affidavit here, executed by you in 1901, in which you say that your child, Johnnie Marshall, was born about the 5th of July, 1899, and we also have your affidavit that Waspee died in April 1899. April is before July, how do you explain that?" he answered, "Indians are very likely to make mistakes as they do not keep records of any happenings."

-4-

On February 20, the witness testified that Waspee died in the spring following April 1899, and that he had a brother who died about the time of the opening of the land office, but does not know the month in which he died.

Thomas Long, one of the affiants on whose affidavit the motion to reopen the case was based, testifies that he was not present when Waspee died and did not attend his funeral, but is positive that he died prior to the opening of the Creek land office.

Concerning the character of the testimony of witnesses, Lawyer Deere and Mitchell Compere, the Commissioner invites attention to the remark of the attorney for the Creek Nation at the conclusion of the hearing had on July 9, 1906, to the effect that he was of opinion that their testimony was not of such a character as could be relied on.

The Commissioner further comments on the testimony, saying that Tony Larney says that he was present at the death of Waspee and attended his funeral; that Waspee died on March 25, 1899, but that the witness did not make a record as to the date of the death. He gives the death of his own father as January 29, 1899, and says that Waspee died after that date, but the witness does not remember the date of the death of his own mother nor of the other members of his own immediate family.

Cernesgee Low says that he is a distant relative and attended the funeral of Waspee; that Waspee died on March 25, 1899, and that he made a record of the date; that he does not know the exact date of the opening of the Creek Land Office; nor does he know the exact date of death of his own father. At a later

proceeding he presented in evidence a memorandum book in which was written in pencil (alleged to be copied from an original entry), "March 1st 1899, Washee", and Mr. Bixby says it will be noted that the date shown in the memorandum book does not agree with the previous testimony of the witness as to the date of death of Waspee. In the same memorandum book also appears an entry in regard to Samochee, reading as follows: "Sarnochee, January 8, 1899", and the Commissioner says it will be noted that in proceedings had July 10, 1906, in the matter of the right to enrollment of Sarnoshka (or Sarnochee), the witness testified that he did not make a record of the date of her death.

After considering the character of the evidence introduced in the later proceedings had in the case, Mr. Bixby says that he has arrived at the opinion that it is not proven that Waspee died prior to April 1, 1899, the date of opening the Creek Land office, and recommends that the enrollment of Waspee, deceased, whose name appears on the approved roll of citizens by blood of the Creek Nation, opposite No. 9010, be allowed to stand. He encloses a complete copy of the record.

The Commissioner has very fully set out the proof in this case in his report and has covered all the essential facts. It is very apparent from the record as it is now presented, that the burden of proof is in favor of the applicants, and I concur in the recommendation of the Commissioner that the name of Waspee be

allowed to stand on the roll of citizens of the Creek Nation.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

EBH-Y.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, November 26, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 30, 1906, you submitted the record in the matter of the application for the enrolment of Waspee as a citizen of the Creek Nation, upon the partial roll approved by the Department March 8, 1902, opposite No. 9010.

The Indian Office, submitting your report November 21, 1906 (Land 96248), concurs in your recommendation that the enrolment ~~is~~ be allowed to stand. A copy of its letter is inclosed.

You fairly set out the evidence submitted at the hearing had in the matter. The Department concurs in your recommendation, and the case is accordingly closed.

The papers have been sent to the Indian Office.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind.Of.

En. 938.

Muskogee, Indian Territory, December 13, 1906.

Clerk in Charge,

Creek Land Office.

Sir:

There is herewith inclosed a copy of Departmental letter dated November 26, 1906 (I.T.D. 23384-1906), in which the Secretary of the Interior concurs in the recommendation of this office that the enrollment of Waspee, opposite Creek Indian roll No. 9010 be allowed to stand.

Respectfully,

Commissioner.

Inc. CM-13-1

Muskogee, Indian Territory, December 13, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that under date of November 26, 1906 (I.T.D. 23384-1906) the Secretary of the Interior concurred in the recommendation of this office that the enrollment of Waspee, opposite Creek Indian roll No. 9010 be allowed to stand.

Respectfully,

Commissioner.

En. 988.

Muskogee, Indian Territory, December 13, 1906.

Philip Marshall,

Holdenville, Indian Territory.

Dear Sir:

You are hereby advised that under date of November 26, 1906 (I.T.D. 23384-1906) the Secretary of the Interior concurred in the recommendation of this office that the enrollment of Waspee, opposite Creek Indian roll No. 9010 be allowed to stand.

Respectfully,

Commissioner.

938
C-79

Exhibit, I. E. August 16, 1904.

Lester Deer and Thomas Lang personally appeared before me and after being duly sworn, they stated that they were respectively the father and mother of the deceased party who died on the 1st day of April, 1904. And they further stated that they have talked to different people, among them relatives of the deceased who will make oath that said deceased party died before the 1st day of April, 1904.

Lester Deer
Thomas Lang

Subscribed and sworn to before me this 16th day of August, 1904.

Wm. H. Hamilton
Notary Public

My Commission Expires August 16, 1905

CR EN 939

CR EN 939

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, INDIAN TERRITORY.
July 9, 1906.

In the matter of the right to enrollment of Polly Larney as
a citizen of the Creek Nation

Case #939.

Appearances: L. M. Mott counsel for Creek Nation.
No Appearance on behalf of the applicant.

Questions by Commission, through sworn interpreter: William
McCombs:

Lawyer Deere being first duly sworn testified as follows:

- Q: What is your name? A: Lawyer Deere.
Q: How old are you? A: 50
Q: What is your post-office address? A: Yeager
Q: Are you the Lawyer Deere who on August 16, 1904 made out an
affidavit to the effect that Polly Larney died prior to
April 1st, 1899? A: Yes sir.
Q: Are you well acquainted with Polly Larney?
A: Yes sir
Q: How far did you live from her during her life-time? A:
About 3 miles.
Q: Were you present when she died? A: I saw her after her
death.
Q: Did you attend her burial? A: Yes sir.
Q: Where was she buried? A: 6 miles East of Wewoka.
Q: Was she buried in a regular burying ground? A: Yes sir.
Q: Has it any name to it? A: There are only 3 graves and
it is called a grave yard.
Q: Are you any relation to Polly ~~xxxxxx~~ Larney.
A: She was the daughter of my relative.
Q: You are not closely related then? A: No sir.
Q: When did she die? A: After making a close investigation
I have found out that she died the same year the land
office was opened.
Q: What time in the year? A: In July. It was in ~~July~~ July
but I don't know the date.
Q: Upon what information do you base this information you give
to the commission, what information had you?
A: I was a member of the council and reported to the commission
at Holdenville when the field party was out but after
investigation I found she had died in the summer of '99.
Q: Were you merely guessing when you reported to the commis-
sion that she died before 1899? A: I saw my mistake.
Q: Do you know a person by the name of Mavitta Fixice?
A: Yes sir.
Q: Is she living? A: Dead.
Q: You are sure are you that Polly Larney died aft r the
opening of the land office? A: Yes sir.

Thomas Long being first duly sworn testified as follows:

Questions by Commissioner, through sworn interpreter.

- Q: Your name is Thomas Long? A: Yes sir.
- Q: How old are you? A: About 50. 50 years and 3 days.
- Q: What is your post-office address? A: Yeager.
- Q: Are you the Thomas Long who made affidavit before W. H. Wallace a Notary Public on September 12, 1901? Said affidavit shows that Polly Larney died on the 6th. day of August 1899? A: Yes sir.
- Q: You are also the same Thomas Larney who made affidavit before the Commission that said Polly Larney died before April 1, 1899.
- A: I made that affidavit but it was through a mistake.
- Q: What information did you have upon which you based this affidavit made before W. H. Wallace the Notary Public?
- A: After I made my affidavit I went into a thorough investigation of the matter and made this last affidavit. The first affidavit I referred to was made September 12, 1901.
- Q: You made the second affidavit on the 10th. day of August 1904? A: Yes sir.
- Q: In your first affidavit, you stated that Polly Larney died on the 6th. day of August, 1899? A: Yes sir.
- Q: In your second affidavit you state she died prior to April 1, 1899, how do you account for thus making 2 affidavits both different dates? A: It is a fact that the party died the 6th. day of August and the other matter considerably time passed and I don't remember.
- Q: How do you know that this woman died on the 6th day of August? A: In 1898 Louis Larney the father of the deceased was arrested and put in jail and the year after that, the next year in August, Polly Larney died.
- Q: That doesn't account for your making this affidavit and swearing she died before the opening of the land office and prior to April 1st, 1899, that don't account for that.
- A: That is all I know about it.
- Q: Why did you sign this affidavit showing she died April 1, 1899 then.
- A: If I did I did it through a mistake.
- Q: You made an affidavit about the death of quite a number of persons at the same time did you not? A: Yes sir
- Q: And this affidavit you made in 1904 you now state that you made through a mistake, is that correct? A: Yes sir.
- Q: Is there any circumstance that helps you fix the date of death of Polly Larney in what you have already stated?
- A: Louis Larney the father of the deceased died in July here and that is one of the circumstances I call to memory.
- Q: Do you think that was a year before Polly died? A: Yes sir
- Q: Did you make any record of the death of Polly? A: No sir I don't write at all.

Questions by L. M. Mott, counsel for Creek Nation.

- Q: When did you find out you had made a mistake today Long?
- A: About a month ago.
- Q: What happened a month ago to make you think that?
- A: I got to studying over the death of this deceased, that is the father of the deceased, I got to thinking over the date and I called it to memory.
- Q: Do you know in what month Louis Larney died?
- A: About Feb. '98, Louis died.
- Q: How many months after the death of Louis did Polly die?
- A: About 11 months.

- Q: If that is the case then Polly died 11 months after the death of her father, then Polly died before the opening of the land office, April 1, 1899. A: She died about 11 months after her father's death

Questions by L. M. Hott, attorney for Creek Nation.

- Q: Who were the ~~husbands~~ heirs to this allotment of Polly Larney
A: 2 sisters are living.
Q: Do you know them? A: Yes sir.
Q: Did you talk to them lately about this matter?
A: No sir.
Q: Are they any kin to you? A: No sir.
Q: Are you sure as to the date of the death of Louis Larney?
A: Yes, I am satisfied I know.
Q: When was it? A: 1898.
Q: What month? A: I think it was in February 1898.
Q: How many months are there in a year? A: 12
Q: What month is February, the 6th, 7th, or what month is it?
Q: Is it the 1st. month in the year, or the 2nd, or the 3rd or 4th? A: It is the 2nd.
Q: What month in the year did you state a few minutes ago that Polly Larney died? A: The 6th. day of August.
Q: Is August the 1, 2, 3rd, 4th or 5th. or which month in the year is August? A: The 11th. month of the year probably.
Q: Did she die in the summer or winter? A: In the summer.
Q: Do you understand the nature of an oath? A: Yes s r.
Q: Do you know that if you swear to a falsehood on a material fact you can be sent to the penitentiary?
(No answer through Interpreter)
Q: You are now very deliberately telling a falsehood in regard to the date of the death of this woman, Polly Larney or you are so ignorant that you don't know what you are testifying to. A: I am satisfied that in giving my testimony I know about the death of Polly Larney.
Q: You said a few minutes ago that Polly had died in August 1899, you were asked upon what information you base that statement and you said that her father Louis Larney had died a year before and that is the reason you remember she died in August 1899. Then you were asked what time of the year, of the year before and you said in February 1898.
A: I am satisfied that Louis Larney died in February.
Q: You also stated that Polly Larney had died eleven months after the death of Louis Larney? A: Yes, it was about that time.
Q: If she died 11 months after the death of Louis Larney and he died in February 1898 she must have died in Jan, 1899 and not in August as you have stated. A: It was my mistake and I will admit it.
Q: When did Polly Larney die, what day of the year?
A: The 6th. day of August.
Q: Did Polly Larney die 11 months after the death of her father Louis Larney? A: Yes sir.
Q: Did Louis Larney die in February 1898? A: It was about that month when he died.
Q: Don't you understand that the statements you are making do not accord and that in this very affidavit you are falsifying or through ignorance telling something that is not so, don't you realize that?
A: If that is so, it is through my mistake.
Q: Which would you have the better knowledge of the date of death of Louis Larney or the date of the death of Polly Larney? A: I was ignorant of both.

- Q: Then as a matter of fact you don't know anything about the date of death of either Louis or Polly Larney?
- A: Yes, I don't know.
- Q: Then your statement a few minutes ago under oath that she had died in August 1899 was a deliberate falsehood was it not? A: I was under the impression she died at that time.
- Q: How did you get that impression? A: All I know about it it was the following summer after Louis died.
- Q: You are trying to twist out of the statements you have made before? A: No sir, I am not.
- Q: Isn't it a fact that you have come before this office and testified to matters you know nothing about and that you have been deliberately swearing to falsehoods?
- A: Probably so.
- Q: Do you know the difference between a lie and the truth?
- A: Yes sir.
- Q: Didn't you come up here for the mere purpose of getting a per diem, getting your witness fees and wasn't you willing to testify to anything to get your witness fees, isn't that a fact? A: That never entered into my head at all.
- Q: It looks very much like it.
- A: I never thought of that thing it didn't enter my head.
- Q: Haven't you made statements before this office in the last 2 or 3 days in the last 3 or 4 hours in regard to matters of which you had no knowledge? A: Probably so.

By L. M. Mott:

- Q: Do you understand you to admit here that you have knowingly and intentionally sworn to what is false here?
- A: Not, I made a mistake through my ignorance if I made any.

Questions by Commissioner:

- Q: How do you account for the fact then, that you have deliberately, in your testimony given certain dates and swore those were the dates on which certain people died, and when asked to state circumstances upon which you base these dates you have sworn you are entirely wrong, that the dates were entirely wrong, How do you account for that? (No answer)
- Q: Are you an educated man, can you read and write? A: No sir.
- Q: Do you know the months of the year? A: I don't know the months of the year complete.
- Q: Can you begin at January and go through, if so do so.
- Q: I cannot get through with it.
- Q: How many years ago ~~was~~ did the Creek Land Office open up here in Muskogee? A: I think it is about 6 years.
- Q: You have appeared before this commission and testified as to the exact dates of death, you have testified as to people who have ~~testified~~ died before and after the land office opened, and you can't tell within a year and probably more when that land office opened.
- A: The full blood Indian is very ignorant and can't keep the dates.

The examiner would submit the proposition to Mr. L. M. Mott attorney for Creek Nation as to the credibility of this witness, as to his knowledge of dates, as to his knowledge of events and whether he is a proper witness upon whose testimony the rights of persons to citizenship should be determined.

The Commissioner states, from the appearance of the witness on the stand when asked if he had not been testifying to a falsity, a smile came over his face and he acknowledged probably he had, in words.

Questions by L.M. Mott, counsel for Creek Nation.

- Q: Did you say you understood the nature of an oath?
A: My answer was that I wasn't very clear on that.
Q: Don't you know what it is to swear a lie?
A: I don't know what the law as to the penalty is, I don't know that.
Q: We don't care anything about the penalty, simply don't you know what it is without regard to the penalty, what it is to swear to a lie? A: I hate falsehood more than anybody but through my ignorance or mistake I probably would make a false statement.
Q: Do you know the difference between the truth and a lie?
A: Yes sir, I know.
Q: Now do I understand you to say that you admit that you have probably sworn falsely here today knowingly and intentionally? A: No sir.
Q: Do you mean that probably you have made a mistake ignorantly and that it might be false, is that what you mean?
A: If I have done it I did it through ignorance, I didn't intentionally lie.

Questions by Commissioner:

- Q: Are you as correct in your statements you have made in this hearing as the statements you have made here in regard to the death of people?
A: If I made a mistake in this, according to your judgment probably I made a mistake in all of them.
Q: Then you are so ignorant or will you admit such ignorance that your testimony in cases of this kind should not bear weight, is that your statement now? A: I am satisfied I made a mistake in this case, I am satisfied of that. I can't write, I don't know the figures and if I made a made a mistake in one thing I made a mistake in both.

~~Questions by Commissioner:~~

~~XXXXXXXXXX~~
L. M. Mott, counsel for Creek Nation, makes the following statement:

If an Indian who cannot speak the English language is to be subjected to an examination such as was submitted to Long that there will hardly be an exception in the Creek Nation where an Indian under similar circumstances will acquit himself better.

Statement by Commissioner:

The records of the Commission show that the witness has appeared before this office in various hearings and testified under oath and it would seem that from his knowledge of the case before this office that he should know the meaning of an oath.

L. M. Mott:

Witness stated that he despises ~~falsehood~~ ^{falsehood}, the witness I am satisfied does not understand that an honest mistake here may not be denominated perjury; in other words, he ~~may~~ ^{may} make an honest mistake and in the English meaning that may in his opinion be denominated willful perjury.

Cornege Low, being first duly sworn, testified as follows:
Questions by Commissioner, through sworn interpreter,
Wm. McCombs:

- Q: What is your name? A: Cornege Low.
Q: How old are you? A: 34
Q: What is your post-office address? A: Holdenville.
Q: Were you acquainted with one Polly Larney? A: Yes sir
Q: How old was she when she died? A: I don't know the exact date but she was 12 or 13 years old.
Q: What was the name of her father? A: Louis Larney.
Q: Do you know the exact date of death of Polly Larney?
A: I know the month she died in but I don't know the day.
Q: Where did you get your knowledge of the date of death of Polly Larney? A: I was informed that she was dead and I went to see her.
Q: In what year was it? A: 1899.
Q: What month? A: In July.
Q: Did you make any record of the death? A: No sir.
Q: Well how are you so positive then that July, 1899 was the date of her death? A: The circumstance of the opening of the land office is one. This girl had a grand-mother and she was an invalid and she couldn't come here to the land office, she wanted to file but she wasn't able to come to the ~~an~~ land office. That is the circumstance that I know about it because the old lady couldn't come and the girl died before the old lady filed.
Q: The girl died before the old lady filed? A: Yes sir.
Q: What was the name of her grand-mother? A: Marvretta Fixico
Q: How long before Marvretta Fixico filed had this girl died?
A: The girl died before either one of them filed.
Q: How many months before Marvretta Fixico filed had this girl died? A: According to my own knowledge I can't give the exact time but it was in July after the land office was opened.
Q: Do you know when her grand-mother Marvretta Fixico filed?
A: I don't know when they filed.
Q: Did any-one tell you the date of death of Polly Larney?
A: No sir.
Q: Did you attend her funeral? A: Yes sir.
Q: Did you see a head-board over her grave? A: I paid no attention to that but it is customary that they put head-boards at the graves, I suppose they did it but I couldn't swear that I saw it.
Q: How many years ago did the land office open? A: Probably about 7 years ago.
Q: Do you know the dates of deaths of any other members of your family? A: Yes sir.
Q: I believe you testified as to the date of death of your father, did you not? A: Yes sir.
Q: But you don't know the exact date of death of your mother?
A: My testimony was that my father died and my mother is living.
Q: Could Polly Larney have died 3 or 4 months after the date you have stated, three or 4 months before? A: Do you think possibly you might be mistaken and that Polly Larney might have died 3 or 4 months after the date you stated or 3 or 4 months before? A: I don't understand the question.
I think it was about 4 months after the land office was opened.

Questions by L. E. Mott, counsel for Creek Nation:

- Q: How came you to be a witness in this case?

- A: Lawyer Deere asked me to be.
Q: Did you tell him that you knew that this applicant had died after the land office had opened?
A: According to their statement to me when they notified me to appear here they were under the impression that Polly Larney died 4 months before the land office opened, but when I got to thinking over it, I called to memory that she died 4 months after the land office opened and I so stated to Lawyer Deere.
Q: Then you told Lawyer Deere what your impression was in regard to the date of death and told him that it was 4 months after the land office opened, is that right?
A: Yes sir.
Q: Are you related to Polly Larney? Or one of the heirs of Polly Larney? A: No sir.
- Questions by L. M. Mott, counsel for Creek Nation.
Q: Did Deere say he wanted witnesses to testify that she had died after the land office opened or before?
A: No, he just told us he wanted us as a witness and never told us to give testimony in any shape or form.

Lawyer Deere, recalled testified as follows:
Questions by Commissioner:

- Q: Did you have a conversation with Cornege Low before you came up here? A: Yes sir.
Q: Do you remember of stating in an affidavit that Polly Larney died before April 1st, 1899? A: Yes sir.
Q: Did you have the same impression as to the time of the death of Polly Larney up to the time you had this conversation with this man Mr. Low? A: I was under that impression until I investigated the matter and found out that she was entitled to enrollment.
Q: How did you investigate the matter?
A: The way I got to investigating, Jim Noon was to be a member of the town, and the old lady mentioned by the first witness, got Jim Noon to come here and file for both of them and after I got to investigating I found that Jim Noon filed for them after the land office was opened.
Q: Do you mean that Jim Noon filed for Maryetta Fixico? A: Yes sir.
Q: Do you mean he filed for her after the land office was opened? A: Yes sir.
Q: And that fact helped you remember that Polly Larney had died after the opening of the land office? A: Yes sir.
Q: How did that help you to do that? A: The way I discovered it there was a man by the name of Sapoka died at the same place where Polly Larney died and after I got to investigating it and when I discovered the history of the matter I found that Polly died afterwards, because Sapoka died before the land office opened.
Q: How many years ago did the land office open? A: Probably about 6 years.
Q: The only date that you have testified to in various proceedings before this office, the date of the opening of the Creek Land office, and you don't know how many years ago that was and yet you give an exact date of the death for Polly Larney? A: I am following it up by Porter's administration, if Porter's administration is 6 years ago now, it would be about 7 years ago since the land office opened.

- Q: Did any of the members of your family ever die? A: I lost a son very lately.
- Q: When did he die? A: Last April.
- Q: What day in April? A: The 13th. I have a record of it.
- Q: The 13th. of April of this year? A: Yes sir.
- Q: Any others? A: That is all.
- Q: When did you father die? A: The second year after the civil war.
- Q: What date? A: I don't know that at all.
- Q: You were living at that time? A: Yes sir.
- Q: Isn't it as reasonable to presume you would remember the date of death of your own father as you would remember the date of death of Polly Larney, one who is not related to you? A: I don't know, I don't know. All I know it was the second year after the civil war and you can count it up and tell exactly how long ago it has been. ~~He~~ died in the spring of the year.
- Q: Isn't it a fact or is it a fact that this man Low, talked with you in regard to this matter, and told you as to the time that this person died, and that you have now come up here to change the date you give in your original affidavit, the date of the death of Polly Larney? A: I didn't learn anything from Low until I followed the history of it.
- Q: Didn't Low talk to you about this matter? A: After I investigated it I asked Low about it and Low said it was so.
- Q: Then you did have a conversation with Low about it did you? A: I made investigation myself and when I found out the whole history of the matter I went to Low and told him there was a mistake in the matter and Low told me that was so.
- Q: You spoke to Low about coming up here did you not? A: Yes sir.
- Q: Did you tell him why you wanted him to come up here? A: In the matter of Sanolska.
- Q: You didn't talk to him about the Polly Larney case then? A: I never spoke to him at all about Polly Larney's case but I spoke to him about being a witness in the other case.
- Q: But you did speak to him about the date of the death of Polly Larney? A: Yes sir.
- Q: How did you go about it in finding out about the date of death of this Polly Larney? A: I didn't go to anybody.
- Q: Didn't you state a while ago you made an investigation? A: I didn't go to any living person but I followed up the death of the people I knew and followed it up and found out about the correct date of death.
- Q: Followed it up in your own mind? A: Yes sir.
- Q: Couldn't you have been as correct in your previous affidavit if you were relying upon your memory as you are in your testimony in regard to the death of this person? A: The last investigation is the truth.
- Q: Are you accustomed to swearing to certain things, making affidavits without giving them thought and consideration? A: No sir.
- Q: Then why did you make that affidavit that you did to the effect that Polly Larney died prior to April 1, 1899? A: I was fully impressed that Polly died prior to the opening of the land office but when I rehearsed the whole thing and followed up those who died, I discovered that I had made a mistake.
- Q: How many months are in a year? A: 12 months.
- Q: What is the first month? A: March.
- Q: How many days in July? A: Probably it is 31 days, probably I may be making a mistake like I am everything but I think there are 31 days.
- Q: When did Isparetcher die? A: I never did notice that.
- Q: Do you know what year he died? A: No sir.
- Q: Do you know on what date he died? A: I don't know.
- Q: Do you know how many crops have been planted in this country

- since that time? A: I don't know, I never did know.
- Q: Yet you know the exact date of death of Polly Larney, how is it that you can give the exact date of the death of a person whom you are not related to and yet you can't give the exact date of the death of one as prominent as this Isparetcher?
- A: You are an official and I don't want you to question me as to a person like that, I never was administrator for Isparetcher, if I have made a mistake then you have made a mistake too because I wasn't the administrator for Isparetcher.
- Q: Are you the administrator for Poly Larney? A: No sir.
- Questions by L. M. Mott, attorney for Creek Nation.
- Q: Deere you are a witness in several cases here that have been re-opened? A: Yes sir, several.
- Q: Didn't you understand that you were only to bring witnesses here that would testify wherein the parties were not entitled to enrollment? A: Yes sir.
- Q: Why did you ask Cornege Low to come on here?
- A: He didn't come on this case as a witness at all.
- Q: You made an affidavit before me setting out that this applicant died before April 1, 1899? A: Yes sir.
- Q: You say you have since that time found out you have been mistaken about it? A: Yes sir.
- Q: Is there any other case that you have made a mistake about that you made affidavit on? A: No sir.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval.

Subscribed and sworn to before
me this 23 day of July, 1906.

H. H. Hains

See page following.

Statement by L. M. Mott, Attorney for Creek Nations

National attorney desires to state that in the examination of Lawyer Deere and Mitchell Compere, in the different cases, one after the other, their demeanor upon the stand impressed me with the conviction that their testimony was not of such a character as could be relied upon.

The force of this cannot be appreciated by one merely reading the testimony, and I do not desire this statement to be understood as affecting the decision of the Commission in this case, and is meant to apply only to the two witnesses above mentioned, without regard to the testimony of other witnesses.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and correct statement of L. M. Mott taken in proceedings had in the matter of the application for the enrollment of Polly Larney, on July 9, 1906, and the same is made a part of the record in this case according to the implied direction of Mr. Mott.

4939

Copies

....., N. Y., August 25, 1904

Lawyer Boer and Thomas Long persons who appeared before me and
after being duly sworn say that they are intimately
..... and that filed prior to
April 1st, 1899. And they further swear that they have talked to
different people, among them relatives of the deceased who will make
oath that said deceased party died before the 1st day of April, 1899.

.....
.....
.....

.....
.....
.....

Subscribed and sworn to before me this day of
August, 1904.

.....
Notary Public.

My Commission Expires:

Executive Office,

MUSKOGEE NATION.

P. PORTER, Principal Chief.
M. L. MOTT, National Attorney.

Copy

Muskogee, Indian Territory,

Sept. 3rd 1904.

Hon. E. A. Hitchcock.

Sect. of the Interior.

Washington, D. C.

My dear Sir:-

Affidavits having been made that Polly Larney Roll
No. 8942 Deed No. 22876-7 died prior to April 1st 1899.

I will thank you to direct reopening of the case that I may have
oprurtunity to offer this testimony. I have several addittional
witnesses in support of these affidavits upon rehearing of the case.

Yours very truly.

M. L. Mott

National Attorney.

6M

Muskogee, Indian Territory, September 14, 1904.

The Honorable,

The Secretary of the Interior.

Sir:-

The name of Polly Larney is contained in the partial list of citizens by blood of the Creek Nation, approved March 29, 1902, No. 8943. September 3, the attorney for the Creek Nation delivered to the Commission, for transmission to the Department, a communication, in the nature of a motion to re-open the case, and the affidavit of Lawyer Dear and Thomas Long, relative to the date of death of said Polly Larney. It appears from said affidavit that the said deceased Polly Larney died prior to April 1, 1899.

It also appears from the records of the Commission that the said Thomas Long, one of the affiants in the affidavit submitted by the National Attorney for the Creek Nation, filed with the Commission September 12, 1901, his affidavit, stating that said Polly Larney died on the 6th day of August, 1899. The Commission has also the affidavit of the grandmother of Polly Larney who states that said Polly Larney died on the 6th day of August, 1899.

It is recommended that the case be not re-opened. The communication from the Creek Attorney and the affidavit of Lawyer Dear and Thomas Long are inclosed for Departmental consideration.

Respectfully,

Through the Commissioner of
Indian Affairs.

Chairman.

COPY

Land:

64359-1904
64360-1904
64361-1904
64362-1904
64364-1904
64365-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated September 14, 1904, transmitting affidavits of Lawyer Deer and Thomas Leng, relative to the death of Sarnochka, who has been enrolled as a citizen by blood of the Cherokee (Creek?) Nation at No. 8580.

They state in said affidavit that Sarnochka died prior to April 1, 1899. There are also before this office and enclosed herewith similar affidavits of the two affiants mentioned, relative to the death of Aaron McGirt, No. 8579, Waspee, No. 9010, Polly Larney, No. 8943, Millie Davis, No. 6966 and George Washington, No. 5324.

In view of the position taken by this office and in order that the whole subject may be before you, I have concluded to forward all of the Commission's reports and the affidavits mentioned with this report.

The affiants with reference to the death of Sarnochka say that they knew her intimately and that she died prior to April 1, 1899.

Their affidavit with reference to Aaron McGirt is identical with the one just mentioned and the Commission say that proof of death in this case has been filed by Palmer Noon, half brother of the deceased citizen and two acquaintances, which shows that Aaron McGirt died on March, 1900.

The Commission reports that from their records it appears that Thomas Long, one of the affiants in the affidavit mentioned, filed with them September 12, 1901, affidavit stating that Polly Larney died August 6, 1899, and that the affidavit of the grandmother Polly Larney is to the same effect.

The Commission's report relative to Waspee shows that an uncle an aunt and two acquaintances made affidavit that the said Waspee died subsequent to April 1, 1899, and that from their records it appears that James Davis, husband of Millie Davis and Selena Davis made affidavit that Millie Davis died on October 4, 1899.

The Commission does not make any statement with reference to what their records show concerning the death of George Washington.

Accompanying each report of the Commission is a communication from Mr. Mott, attorney for the Creek Nation, requesting that the cases be reopened and a rehearing had and the Commission recommends that his request with reference to all the cases be granted.

This office is unwilling to recommend the ^{reopen}requesting of these cases on the affidavits before it. They are all in the same form and several of them are carbon copies of an original, and each instance a blank space was left to insert the name of the person to whom the affidavits relates. The names of the affiants however, are in typewriting. Furthermore, it is not shown by the affidavits whether the affiants lived in the same vicinity that the deceased persons lived during their ~~if~~ lifetime, although the affiants state they knew each intimately.

The Commission's report relative to Polly Larney, Land 64363, shows that Thomas Long, one of the affiants in each of the cases herein mentioned, filed with the Commission September 12, 1901, his

1 -3-

affidavit stating that Pelly Larney died August 6, 1899, and it is believed that this action itself is sufficient to warrant the Department in refusing to reopen the cases on the information before it, and I respectfully recommend that the Commission be advised that said cases will not be reopened on the affidavits presented.

Very respectfully,

A.C.Tenner,

Acting Commissioner.

GAW-IM.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, October 1, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

September 14, 1904, you transmitted an affidavit of Lawyer Deer and Thomas Long, relative to the death of Sarneshka, who has been enrolled as a citizen by blood of the Creek Nation, opposite No. 8580, from which it appears that the party died prior to April 1, 1899.

Reporting in the matter September 26, 1904, the Acting Commissioner of Indian Affairs submitted similar affidavits of the two ~~affidavits~~ ^{affidavits} mentioned, relative to the death of Aaron McGirt, roll number 8579, Waspee, No. 9010, Polly Larney, No. 8943, Millie Davis, No. 6966, and George Washington, No. 5324.

The Acting Commissioner points out discrepancies between affidavits filed at different times as to the death of several of these parties, and states that he is unwilling to recommend the reopening of the case, as recommended by you, on the affidavits now presented, and calls attention to the fact that the affidavits are all of the same form and several of them are carbon copies of the original, and in each instance a blank space was left to insert the name of the person to whom the affidavit relates.

The attorney for the Creek Nation requests that the cases be reopened, and that a rehearing be had in each.

-2-

Even though the affidavits submitted may not be entirely satisfactory, there appears to be no reason why careful investigation should not be had by you to determine whether the enrollment of these persons was ~~paid~~ proper. The authority requested is therefore granted. The papers received with the Acting Commissioner's letter, except your report, are inclosed together with a copy of the acting Commissioner's letter. If deemed necessary, you can require further affidavits before proceeding with the investigation.

Respectfully,

(Signed) Thos. Ryan,

10 inclosures.

Acting Secretary.

HBN

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cr.En.939.

Muskogee, Indian Territory, July 11, 1905.

Mapetta Fixico,

Holdenville, Indian Territory.

Dear Sir:

October 1, 1904, the Department reopened the matter of the right to enrollment of your grand-child, Polly Larnay, deceased, as a citizen by blood of the Creek Nation, and ordered a rehearing in same.

You are hereby notified that said case is set for rehearing at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, August 7, 1905, for the purpose of submitting testimony tending to show the exact date of the death of said Polly Larnay.

The Creek Nation will be permitted to introduce evidence at the same time and place.

Respectfully,

Register.


Commissioner.

Cr En 939

Muskogee, Indian Territory, November 13, 1905.

Alex Posey,

Okemah, Indian Territory.

Dear Sir:

You are directed to take testimony for the purpose of ascertaining the exact date of the death of Polly Larnoy (deceased) whose name is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 26, 1902, opposite No. 8943.

September 14, 1904, the right to enrollment of said Polly Larnoy was reopened by the Secretary of the Interior on motion of the attorney for the Creek Nation. Said motion was accompanied by affidavit executed by Lawyer Deere and Thomas Long to the effect that said Polly Larnoy died prior to April 1, 1899. There are on file in this office affidavits executed September 12, 1901, by Mabeta, the grandmother, and Thomas Long, an acquaintance of said Polly Larnoy to the effect that said Polly Larnoy died August 6, 1899, and affidavits executed December 16, 1901, by Mapetta Fixico and Thomas Long to the same effect. The postoffice address of all of said affiants is given as Holdenville, Indian Territory.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

En. 939.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 15, 1906.

Mapetta Fixico (or Maveta),

Holdenville, Indian Territory.

Dear Madam:

February 8, 1906, a letter was addressed to you by this office notifying you that a rehearing would be had in the matter of the enrollment of Polly Larney, deceased, on February 19, 1906; said case being reopened by the Secretary of the Interior under date of October 1, 1904 on motion of the attorney for the Creek Nation, accompanied by affidavits to the effect that Polly Larney died prior to April 1, 1899. No appearance being made by you on said date. You are hereby notified that a rehearing in this matter will be had at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, July 6, 1906, at which time you will be permitted to introduce evidence relative to the date of death of said applicant. The attorney for the Creek Nation has been notified of such rehearing and that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,



Commissioner.

Cr. En. 939.

Muskogee, Indian Territory, November 3, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

September 14, 1904, the Commission to the Five Civilized Tribes transmitted to the Department a communication from the attorney for the Creek Nation, in the nature of a motion to reopen the matter of the right to enrollment of Pelly Larney, deceased, whose name is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior March 28, 1902, opposite No. 8943. Said motion was accompanied by an affidavit executed by Lawyer Deere and Thomas Long to the effect that said Pelly Larney died prior to April 1, 1899.

The Commission to the Five Civilized Tribes, in its

Secretary 2.

report transmitting said motion and affidavit, recommended that the case be not reopened, and stated that it appeared from its records that Thomas Long, one of the affiants in the affidavit submitted by the attorney for the Creek Nation, filed with the Commission September 12, 1901, his affidavit stating that said Polly Larney died on the 6th day of August, 1899, and that it also had on file the affidavit of the grandmother of said Polly Larney, deceased, who states that said Polly Larney died August 6, 1899.

October 1, 1904 (I.T.D.8140-1904), the Department reopened said case and authorized the Commission to investigate whether the enrollment of said Polly Larney was proper.

In compliance with verbal requests of the attorney for the Creek Nation, action in this case was suspended from time to time until July 11, 1905, on which date the parties in interest were notified that the case was set for hearing August 7, 1905, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

No appearances were made on the day set.

July 24, 1905, this office received a communication from the attorney for the Creek Nation withdrawing all motions

Secretary S.

to reopen Creek enrollment cases filed by him prior to the meeting of the Creek council in October, 1904.

October 2, 1905, a report was transmitted to the Department in the matter of the right to enrollment of Aaron McGirt, deceased, and it was recommended in said matter that in view of the facts in the case and of the action of the attorney for the Creek Nation in withdrawing his motion to reopen same, that the enrollment of said Aaron McGirt, deceased, be allowed to stand.

The Department under date of November 3, 1905 (I.T.D. 14250-1905), directed that an investigation be had as to the right to enrollment of said Aaron McGirt, deceased, stating that "it is not necessary for the Creek Nation to supply funds to investigate this matter. You are authorized to see that correct rolls of Creek citizens be made, and have been furnished with the means necessary for that purpose".

In accordance with instructions as above set out, a hearing as to the right to enrollment of said Polly Larney, deceased, was set for February 19, 1906. No appearances were made on said date.

The parties in interest were notified that a hear-

Secretary 4.

ing would be had on July 6, 1906. No appearances were made on said date but on July 9, 1906, testimony was taken in this matter.

On July 21, 1906, further testimony was taken in the matter of the right to enrollment of Wampee, deceased, and Sarnochee, deceased, as citizens of the Creek Nation.

The testimony taken in the later proceedings in this case is contradictory as to the exact date of the death of Polly Larney but I am of the opinion that the evidence conclusively establishes such date as some time subsequent to April 1, 1899. Attention is especially directed to the testimony of Lawyer Deere and Thomas Long upon whose affidavit the motion to reopen filed in this case was based. The testimony of these witnesses is to the effect that the statement contained in said affidavit that said Polly Larney died prior to April 1, 1899 is incorrect and that she died subsequent to said date.

In view of the facts in the case, I respectfully recommend that the enrollment of Polly Larney, deceased, on the approved roll of citizens by blood of the Creek Nation, opposite No. 8943, be allowed to stand.

Secretary S.

A copy of the record in the case is herewith
enclosed.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

AG-10-10-4

DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 2, 1907. SP IVJr

I.T.D.6474-1907

LRS

DIRECT

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On February 28, 1907 (Land 97537-06), the Indian Office transmitted your report, dated November 3, 1906, in the matter of a motion to reopen the question of the right of Pollie Larney deceased, to enrolment as a citizen by blood of the Creek Nation

It appears that the name of said Pollie Larney appears opposite No. 8943 upon a schedule of citizens by blood heretofore approved by the Secretary of the Interior.

For the reasons set forth in your report, you recommend that the enrolment of said Pollie Larney as a citizen by blood of the Creek Nation be allowed to stand.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department also concurs in your recommendation and the motion of the attorney for the nation is hereby denied.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office for its files.

Respectfully,

Jesse E. Wilson

Assistant Secretary

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COPY

Refer in reply to the following:

Land
97537 -2906

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS
WASHINGTON. February 28, 1907

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of November 3, 1905 (I.T.D.14250-1905), there is forwarded herewith report of Commissioner Bixby, dated November 3, 1906, relative to the date of the death of Polly Larney, whose name is contained in a partial list of citizens by blood of the Creek Nation, approved by the Department on March 28, 1902, opposite No. 8943.

The Commissioner finds from the evidence in this case that while the exact date of the death of Polly Larney is contradictory, it is conclusively established that she died some time subsequent to April 1, 1899, and in view of this fact, recommends that the enrollment of Polly Larney, deceased, on the approved roll of citizens by blood of the Creek Nation opposite No. 8943 be allowed to stand.

The Office has considered the record in this case and finds the Commissioner's conclusions to be warranted by the facts, and concurs in his recommendation.

Very respectfully,

C F Larrabee
Acting Commissioner

CFH LM

Gr. No. 959.

Muskogee, Indian Territory, March 15, 1907.

Chief Clerk,

Greek Land Office,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of March 2, 1907 (I.T.D. 6474-1907), denied motion to reopen the case of Polly Jarney, and ordered that her enrollment opposite number 897, be allowed to stand.

Respectfully,

Tams Bixby,

Commissioner.

Or. En. 939

Muskogee, Indian Territory, March 18, 1907.

M. L. Mott,

Attorney for Creek Nation.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of March 2, 1907, (Y T.D. 6474-1907) denied motion to reopen the case of Polly Larney, and ordered that her enrollment opposite number 8943, be allowed to stand.

Respectfully,

Commissioner.

Cr.No. 939

Muskogee, Indian Territory, March 13, 1907.

Louis Larney,

Holdenville, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of March 2, 1907, denied motion to reopen the case of Polly Larney and ordered that her enrollment opposite number 8943, be allowed to stand.

Respectfully,

Commissioner.

CR EN 940

CR EN 940

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 3, 1906.

In the matter of the enrollment of George Washington, deceased, as a citizen by blood of the Creek Nation.

Appearances: Merritt Eslick for M.L.Mott, attorney for Creek Nation.

October 1, 1904, the Secretary of the Interior reopened the matter of the enrollment of George Washington, deceased, as a citizen of the Creek Nation, on motion of the attorney for the Creek Nation, accompanied by the affidavits of Lawyer Deere and Thomas Long to the effect that he died prior to April 1, 1899.

February 8, 1906, Henry Long and Dave Barnett, on whose affidavit said George Washington was enrolled, and M.L. Mott, who secured the affidavits of Lawyer Deere and Thomas Long, adverse to said George Washington, were notified that this case was set for rehearing on February 19, 1906 at 9 o'clock a.m. at this office. No appearances were made on said date. On March 3, 1906 appears Henry Long, for applicant, and Lawyer Deere and Thomas Long introduced by attorney for Creek Nation.

HENRY LONG, being duly sworn, testified as follows, through Jesse McDermott, official interpreter.

Q What is your name? A Henry Long.

Q What is your age? A About 54.

Q What is your post office address? A Yeager.

Q Are you a citizen by blood of the Creek Nation? A Yes, sir.

Q To what town do you belong? A Tutchebutchee.

Q Did you have a nephew named George Washington? A Yes, sir. He was a nephew of mine.

Q What was the name of his father? A Cummie.

Q What the name of his mother? A Sallie.

Q Are both his parents dead? A Yes.

Q Did they die before he did? A Yes, he was an orphan. I raised him.

Q Do you know when the Creek land office opened? A No I don't.

Q Do you remember that event? A Yes, I heard of it.

Q Did your nephew George Washington die before or after that event? A I applied for my children and I left him out because I knew he wasn't entitled but I received a notice from the Commission later requesting me to come in and file for him and a lot of neighbors around where I live knew he wasn't entitled but being as I was requested to do so they advised me to come in and go ahead and file so I did.

Q That wouldn't make you come in here and make out an affidavit that George Washington died in the month of May 1901, two years after the land office opened would it? A Dave Barnett persuaded me to file for him; I knew that he wasn't entitled and sent the papers back once about it.

Q Then afterwards you and Dave Barnett came in and made an affidavit swearing that he was entitled didn't you? A Yes, we did. He claimed that he was looking up the records and that the child was entitled and I took him at his word.

Q Then when you made out this affidavit from which it appears that he was entitled you were simply going on what he said and against your better judgment to the effect that he was not entitled? A Yes.

Q How long before the land office opened was it that George Washington died? A It was near that time though I am not positive as to the date of his death that is why I depended on Dave Barnett's word.

Q Why do you say then that he died before the land office opened and that he is not entitled? A I protested against filing for George Washington at the time that I did. I was persuaded by other people. I still say that the child was not entitled.

Q And you are now sure that he was not entitled? A Yes.

Q What was the name of your wife? A Sukey.

Q Did she die before the land office opened? A Yes, she died in 1898.

Q Did she die before or after your nephew George Washington? A George died first.

Q And you have never attempted to file for Sukey because you knew she was not entitled? A No.

Q Is Dave Barnett living? A Yes.

Q Do you know why he did not appear on February 19 when he was notified or why he has not come in with you today to straighten out this matter? A I don't know anything about it.

Q Is he any kin to George Washington? A No.

Q Has he any interest which would influence him in trying to get the child enrolled or in trying to have you put in a false affidavit about his death? A No.

Q What is Dave Barnett's post office address? A I don't know, his address might be Wetumka.

Q In your affidavit you state that George Washington died in 1901 that is wrong is it and the affidavit of Lawyer Deere and Thomas Long that he died before the land office opened is correct? A Yes.

Q Do you know of any reason why Lawyer Deere and Thomas Long would swear falsely about the death of George Washington? A Nothing that I know of.

Q There is no ill feeling that you know of between you and them? Q No there is no ill feeling between us because Thomas Long is a nephew of mine.

Q Is there any other case that you came in here to testify about? A I just know about the death but the dates I don't know. Yes the only case. I wish that this finishes this case; I don't want to be called on again about it. I want to drop it/ At the time I made the filing I knew George Washington was not entitled and I did it under protest.

Q Was the Dave Barnett who persuaded you to do this, was he judge of one of the tribal courts? A Yes.

Q Was Dave Barnett still in office at the time George Washington died? A I believe he was I am not positive.

LAWYER DEERE, being duly sworn, testified as follows through Jesse McDermott official interpreter.

Q What is your name? A Lawyer Deere.

Q What is your age? A Fifty.

Q What is your post office? A Yeager.

Q Are you a citizen by blood of the Creek Nation? A Yes, sir.

Q To what Creek Indian town do you belong? A Tutohebutches.

Q You executed an affidavit in which it is stated that George Washington died before the land office opened is that true? A Yes

Q Were you any kin to George Washington? A No.
Q What was the name of his father? A Gummie.
Q What was the name of his mother? A Sallie.
Q Is there anything helps you to remember he died before the land office opened? A The only thing that I know is he has been dead a long while.
Q You are positive he died before the land office opened? A Yes.
There was an enrollment party at Wetumka and George was dead long while before that; he has been dead a good while.
Q Do you know Dave Barnett? A Yes.
Q Was he a judge in the tribal courts? A Yes.
Q Was this boy George Washington dead before he went out of his office as judge? A I don't know whether Dave Barnett was judge at that time.
Q Dave Barnett and Henry Long made an affidavit that George Washington died in 1901 and Henry Long today testifies that those affidavits were wrong and that he made them at the instigation of Barnett, do you know anything about that? A Yes, Henry Long was correct in his statement saying that the child died before the opening of the land office.
Q Do you know of any reason why Dave Barnett should persuade Henry Long to file for this child or why he should make an affidavit different from yours? A I heard that he was given some fee for having the child enrolled. I understand that he is still drawing some money about the child's enrollment because of the proof.
Q The affidavit executed by him and Henry Long to the effect that George Washington died in 1901 is incorrect is it? A Yes.
Q Did Henry Long ever say anything to you about not wanting to file for this child? A He told me that he had filed for his own children and left George Washington out. I think Henry Long and George Washington were enrolled together on the per capita payment. George Washington died shortly afterwards.
Q Short while after the '95 payment? A The last payment would be '95.

THOMAS LONG, being duly sworn, testified as follows through Jesse McDermott official interpreter.

Q What is your name? A Thomas Long.
Q What is your age? A Fifty.
Q What is your post office address? A Yeager.
Q Are you a citizen by blood of the Creek Nation? A Yes.
Q To what Creek Indian town do you belong? A Tutchebutchee.
Q Are you related to Henry Long? A He is my nephew; we call it brother in Indian.
Q Did you ever have a nephew named George Washington? A Yes.
Q Did he live with Henry Long? A Yes.
Q When did George Washington die? A I think he died in 1894.
Q Lawyer Deere who executed an affidavit that said George Washington died before the land office opened just left the stand and he thought that he died shortly after the '95 payment.
A I am not positive that he died in '94 but I just thought that.
Q Are you certain he died before the land office opened? A Yes.
Q How long has he been dead? A He has been dead over ten years.
Q Did Henry Long ever say anything to you about filing under protest for this child? A Yes.
Q What did he tell you? A He told me that Dave Barnett persuaded him to file for George.
Q Did he tell you that he knew that George was not entitled to file? A Yes.

I, Anna Garrigue, do oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said case on said date.

Anna Garrigue

Subscribed and sworn to before me
this day of March 1906.

J. M. Dermott
Notary Public.

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Lawyer Bear and Thomas Long personally appeared before me and
after being duly sworn by that they knew intimately
..... and that died prior to
April 1st, 1899. And they further swear that they have talked to
different people, among them relatives of the deceased who will make
oath that said deceased party died before the 1st day of April, 1899.

Thomas L. Long
Notary Public

Thomas L. Long
Notary Public

Subscribed and sworn to before me this day of
August, 1904.

W. T. Mumlin, Jr.
Notary Public

My Commission Expires.....

Executive Office,

MUSKOGEE NATION.

P. PORTER, Principal Chief.
M. L. MOTT, National Attorney.

Copy.

Muskogee, Indian Territory,

Sept. 3rd 1904.

Hon E. A. Hitchcock.

Sect. of the Interior.

Washington, D. C.

My dear Sir:-

Affidavits having been made that George Washington Roll No, 5824 Deed No. 5760 died prior to April 1st 1899. I will thank you to direct reopening of the case that I may have opportunity to offer this testimony. I have several additional witnesses in support of these affidavits upon rehearing of the case.

Yours very truly.

M. L. Mott

National Attorney.

E. M.

Muskogee, Indian Territory, September 14, 1904.

The Honorable

The Secretary of the Interior.

Sir:-

The name of George Washington is contained in the partial list of citizens by blood of the Creek Nation, approved March 28, 1902, No. 5324. September 3, the attorney for the Creek Nation delivered to the Commission, for transmission to the Department, a communication, in the nature of a motion to re-open the case, and an affidavit, executed by Lawyer Deer and Thomas Long, relative to the date of the death of said George Washington. It appears from said affidavit that said George Washington died prior to April 1, 1899.

It is recommended that the case be re-opened and that a rehearing be ordered.

The communication from the Creek Attorney and affidavit of Lawyer Deer and Thomas Long are inclosed herewith for Departmental consideration.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

671
Muskogee, Indian Territory, September 14, 1904.

W. B. Miller,

Chief Clerk,

Creek Land Office.

Dear Sir:

You are directed to suspend action in the matter of making allotment of lands in the Creek Nation to the heirs of George Washington, deceased, whose name appears on the approved Creek Indian Roll, No. 5324, until further advised.

The national attorney for the Creek Nation has asked the Department to re-open the case relative to the enrollment of said George Washington, deceased, on the ground that he has evidence sufficient to establish the fact that said George Washington died prior to April 1, 1899.

Respectfully,

Chairman.

I.T.D. 8140-19058

THE J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, October 1, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

September 14, 1904, you transmitted an affidavit of Lawyer Deer and Thomas Long, relative to the death of Sarnochka, who has been enrolled as a citizen by blood of the Creek Nation, opposite No. 8580, from which it appears that the party died prior to April 1, 1899.

Reporting in the matter September 26, 1904, the Acting Commissioner of Indian Affairs submitted similar affidavits of the two ~~affidavits~~ ^{affidavits} mentioned, relative to the death of Aaron McGirt, roll number 8579, Waspee, No. 9010, Polly Larney, No. 8943, Millie Davis, No. 6966, and George Washington, No. 5324.

The Acting Commissioner points out discrepancies between affidavits filed at different times as to the death of several of these parties, and states that he is unwilling to recommend the reopening of the case, as recommended by you, on the affidavits now presented, and calls attention to the fact that the affidavits are all of the same form and several of them are carbon copies of the original, and in each instance a blank space was left to insert the name of the person to whom the affidavit relates.

The attorney for the Creek Nation requests that the cases be reopened, and that a rehearing be had in each.

Even though the affidavits submitted may not be entirely satisfactory, there appears to be no reason why careful investigation should not be had by you to determine whether the enrollment of these persons was ~~per~~ proper. The authority requested is therefore granted. The papers received with the Acting Commissioner's letter, except your report, are inclosed together with a copy of the acting Commissioner's letter. If deemed necessary, you can require further affidavits before proceeding with the investigation.

Respectfully,

(Signed) Thos. Ryan,

10 inclosures.

Acting Secretary.

COPY

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64363-1904

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64365-1904.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

WASHINGTON? September 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated September 14, 1904, transmitting affidavits of Lawyer Deer and Thomas Long, relative to the death of Sarnochka, who has been enrolled as a citizen by blood of the Cherokee (Creek?) Nation at No. 8580.

They state in said affidavit that Sarnochka died prior to April 1, 1899. There are also before ~~before~~ this office and enclosed herewith similar affidavits of the two affiants mentioned, relative to the death of Aaron McGirt, No. 8579, Waspee, No. 9010, Polly Mxx Larney, No. 8943, Millie Davis, No. 6966 and George Washington, No. 5324.

In view of the position taken by this office and in order that the whole subject may be before you, I have concluded to forward all of the Commission's reports and the affidavits mentioned with this report.

The affiants with reference to the death of Sarnochka say that they knew her intimately and that she died prior to April 1, 1899.

Their affidavit with reference to Aaron McGirt is identical with the one just mentioned and the Commission say that proof of death in this case has been filed by Palmer Noon, half brother of the deceased citizen and two acquaintances, which shows that Aaron McGirt died in March, 1900.

The Commission reports that from their records it appears that Thomas Long, one of the affiants in the affidavit mentioned, filed with them September 12, 1901, affidavit stating that Polly Larney, died August 6, 1899, and that the affidavit of the Grandmother Polly Larney is to the same effect.

The Commission's report relative to Waspee shows that an uncle an aunt and two acquaintances made affidavit that the said Waspee died subsequent to April 1, 1899, and that from their records it appears that James Davis, husband of Millie Davis and Belena Davis, made affidavit that Millie Davis died on October 4, 1899.

The Commission does not make any statement with reference to what their records show concerning the death of George Washington.

Accompanying each report of the Commission is a communication from Mr. Mott, attorney for the Creek Nation, requesting that the cases be reopened and a rehearing had and the Commission recommends that his request with reference to all the cases be granted.

This office is unwilling to recommend the reopening of these cases on the affidavits before it. They are all in the same form and several of them are carbon copies of an original, and in each instance a blank space was left to insert the name of the person to whom the affidavit relates. The names of the affiants however, are in typewriting. Furthermore, it is not shown by the affidavits whether the affiants lived in the same vicinity that the deceased persons lived during their lifetime, although the affiants state they knew each intimately.

The Commission's report relative to Polly Larney, land 64363, shows that Thomas Long, one of the affiants in each of the cases herein mentioned, filed with the Commission September 12, 1901, his

affidavit stating that Polly Lamey died August 6, 1899, and it is believed that this action itself is sufficient to warrant the Department in refusing to reopen the cases on the information before it, and I respectfully recommend that the Commission be advised that said cases will not be reopened on the affidavits presented.

Very respectfully,

A.C. Tonner,

Acting Commissioner,

GAV-IM.

HRS

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. Cr.En.940.

Muskogee, Indian Territory, July 11, 1905.

Henry Long,

Holdenville, Indian Territory.

Dear Sir:

October 1, 1904, the Department reopened the matter of the right to enrollment of your nephew, George Washington, deceased, and ordered a rehearing in said case.

You are hereby notified that said case is set for rehearing at the office of the Commissioner to the Five Civilized Tribes in Muskogee, Indian Territory, August 9, 1905. Evidence is particularly desired tending to show the exact date of the death of said George Washington.

The Creek Nation will be permitted to introduce evidence in said case at the same time and place.

Respectfully,

Register.


Commissioner.

Muskogee, Indian Territory, November 13, 1905.

Alex Rosey,

Okemah, Indian Territory.

Dear Sir:

You are directed to take testimony for the purpose of ascertaining the exact date of the death of George Washington (deceased), whose name is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite No. 5324.

September 14, 1904, the right to enrollment of said George Washington was reopened by the Secretary of the Interior on motion of the attorney for the Creek Nation. Said motion was accompanied by affidavits executed by Lawyer Deore and Thomas Long to the effect that said George Washington died prior to April 1, 1899. There are on file in this Office affidavits executed January 25, 1902, by Henry Long, an uncle, and Dave Barnett, an acquaintance of said George Washington, to the effect that said George Washington died in the month of May, 1901. The postoffice address of Henry Long is given as Holdenville, and that of Dave Barnett as Wotumka, Indian Territory.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of October 23, 1905, (I.T.D. 13670-1905), relative to the age of Henry Yahola, a Creek allottee.

It is stated in said communication that affidavits have been furnished the Department alleging that Yahola was born in the spring of 1883, and that in the statement made April 12, 1905, by the Commission to the Five Civilized Tribes, which is filed with the papers, it is stated that the records of this office show that Henry Yahola was listed for enrollment as a citizen of the Creek Nation February 18, 1900, that he was ten years of age at that time and that his enrollment was approved by the Department March 28, 1902, Roll Number 5323.

I am requested to advise the Department direct by what authority the age of this allottee was given as ten years in Feb-

ruary, 1900.

In reply thereto I have the honor to report that at the time this allottee was listed for enrollment, the Commission to the Five Civilized Tribes was enrolling the great body of citizens of the Creek Nation who were then living, and whose names appeared on the tribal rolls. At that time applications were received by the Commission for the enrollment of such persons, either by the personal application of the citizens themselves or by information received from relatives or tribal officials. No record was made other than the placing of the name and such other information as would assist in the identification of the person upon an enrollment card, from which cards schedules were subsequently made. The information placed upon the card consisted of the age, sex, name of father and mother, quantum of Indian blood, tribal enrollment, postoffice address, and information of like character. Wherever practicable families were grouped upon one card, and when it was impracticable to place their names upon the same card, cross references were made in order that relationship might be easily traced.

In the case of Henry Yahola, and of other citizens of the Creek Nation of like character, there is no testimony or affidavit on file with the records of this office relative to his age, quantum of Indian blood, or other matters affecting his right to citizenship. The fact that such applicants' names appeared upon the tribal rolls and that no objection was made to

their enrollment was taken as sufficient evidence of their right to citizenship, and it was, therefore, not considered necessary to make any more detailed record of their application.

February 19, 1900, Henry Long, step-father of Henry Yahola, appeared before the Creek Land Office, and under oath made application for an allotment of land in the Creek Nation for his said step-son, a portion of same being the land mentioned in Departmental letter above referred to, and no testimony or affidavit was furnished at that time with reference to the said Yahola's age.

In view of the above, it is evident that the enrollment records of the Commission relative to the age of allottees cannot be taken as entirely accurate. The parents or friends of children who were enrolled at that time, frequently had very little idea of the exact age of the minors, and their statements could be relied upon only as being sufficiently near to the correct age of the child to assist in identification. Where it was obvious that the child was born prior to April 1st, 1899, and was entitled to enrollment, it was not thought necessary at that time to require conclusive evidence as to its age. An affidavit executed by almost any of the fullblood Indians and unintelligent freedmen, stating the exact year in which a child was born, could not be relied upon. This has been found to be the case when questions have arisen as to whether an applicant was born or died before or after April 1st, 1899, July

1, 1900, or May 25, 1901, the Commission frequently receiving two or more affidavits from the same person stating what purported to be the exact date of such occurrence which differed several months or years in time.

It is believed, however, that these records as they now stand are sufficiently accurate to answer the purpose for which they were made, namely identification, and that it would be unwise at this time to sacrifice their approximate verity in what would unquestionably be a vain effort to secure perfection.

Scarcely a day passes that this office is not in receipt of numerous inquiries as to what the records show in regard to the ages of certain Creek allottees, principally freedmen. When it appears that a freedman allottee is found upon our records to be under the age of twenty-one years, it is not unusual for the prospective purchaser or lessee of his land to suggest that the record is inaccurate, and that he is willing, in order that it may be correct, to file with this office affidavits of the allottee's parents, or the persons who originally supplied the Commission with information upon which the age of the allottee was based, and it does not seem probable that they are at this time, some five years after the original statement was made, able to give as correct statements as they did at the time of application.

Were it to become generally known that the records of this office, as to the ages of allottees, would be changed in

accordance with evidence submitted by them, it is hardly to be doubted that an attempt would be made to change the final roll as to the ages of more than one half of the minor freedmen now over fifteen years of age in order to enable them to manage their allotment without hindrance. This is a broad statement but I believe is warranted by past action.

The fact that the records of this office show that an allottee is now under twenty-one years of age does not impair the validity of the conveyance made by him if he is in fact of legal age. It is doubtful if the records on that point would be admitted in evidence in an action to set aside a conveyance because of the infancy of the vendor, except insofar as they would tend to show that the vendee had constructive notice that the vendor was not of legal age, and that he (the vendee) could not therefore be considered as an innocent purchaser entering into a transaction in ignorance of the true state of facts.

Believing that the statements made by applicants at the time of enrollment, when there was no apparent reason for any false representation to be made, are more reliable than their testimony at the present time when upon the age of an allottee often depends his right to sell or otherwise dispose of his allotment, I have to recommend that in cases of this character no change be made on the final roll of citizens or freed-

men of the Creek Nation, as to the age of any person appearing
thereon except upon the production of strong and convincing
evidence that the notation on the final roll is incorrect.

Respectfully,

Direct.

Commissioner.

Commissioner to the Five Civilized Tribes.

Muskogee, Indian Territory.

December 20., 1905.

SUBJECT

Recommends that no change
be attempted on the final
roll of the Creek Nation
as to the ages of citizens
or freedmen appearing
thereon.

Number of Inclosures _____

Copied from letter files

Gr. No. 940.

Muskogee, Indian Territory, October 8, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

September 14, 1904, the Commission to the Five Civilized Tribes transmitted to the Department a communication from the attorney for the Creek Nation, in the nature of a motion to reopen the matter of the right to enrollment of George Washington, deceased, whose name appears on the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior March 28, 1902, opposite No. 5324. Said motion was accompanied by an affidavit executed by Lawyer Deere and Thomas Long to the effect that said George Washington died prior to April 1, 1899.

It appears from the records of this office that at the time said motion and said affidavit were filed, there was on file with the Commission to the Five Civilized Tribes, proof of death of said George Washington, deceased, executed by Henry Long, an uncle, and Dave Barnett, an acquaintance, to the effect that said George Washington died in the month of May, 1901.

October 1, 1904 (I.T.D. 8140-1904), the Department reopened said case and authorized the Commission to investigate whether the enrollment of said George Washington, deceased, was proper.

In compliance with verbal requests of the attorney for the Creek Nation, action in this case was suspended from time to time until July 11, 1905, on which date the parties in interest were notified that the case was set for hearing August 8, 1905, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

No appearances were made on the day set.

July 24, 1905, this office received a communication from the attorney for the Creek Nation withdrawing all motions to reopen Creek enrollment cases filed by him prior to the meeting of the Creek Council in October, 1904.

October 2, 1905, a report was transmitted to the Department in the matter of the right to enrollment of Aaron McGirt, deceased, and it was recommended in said matter that in view of the facts in the case and of the action of the attorney for the Creek Nation in withdrawing his motion to reopen same, that the enrollment of said Aaron McGirt, deceased, be allowed to stand.

The Department under date of November 3, 1905 (I.T.D. 14250-1905), directed that an investigation be had as to the right to enrollment of said Aaron McGirt, deceased, stating that "it is not necessary for the Creek Nation to supply funds to investigate this matter. You are authorized to see that correct rolls of Creek citizens be made, and have been furnished with the means necessary for that purpose".

Secretary----2

In accordance with instructions as above set out, a hearing as to the right to enrollment of George Washington, deceased, was set for February 19, 1906. No appearances were made on said date.

On March 3, 1906, proceedings were had in this matter, appearances being made by Merritt Belick for M.L. Nett, attorney for the Creek Nation, and by Henry Long for applicant.

From the testimony taken in proceedings had on March 3, 1906, it will be observed that witness Henry Long (an uncle of applicant), upon whose affidavit, together with that of Dave Barnett said applicant was enrolled, testified that the date of death of George Washington as shown in said affidavits is incorrect and that said applicant died prior to April 1, 1899. The testimony of the other witnesses introduced at said hearing corroborates the testimony of Henry Long as to the date of death of said applicant.

I am of the opinion that the evidence conclusively shows that said George Washington, deceased, died prior to April 1, 1899, and respectfully recommend that authority be granted for the striking of the name of George Washington from the approved roll of citizens by blood of the Creek Nation, opposite No. 5325.

It appearing from the records of this office that an allotment selection of land in the Creek Nation was made to said George Washington, deceased, on January 25, 1902, and deeds Nos. 5760 and 5760-A, prepared to cover said allotment were on September 19, 1904, duly recorded in the office of the Commission to the Five Civilized Tribes, it is further recommended, in view of the provisions of section five of the Act of Congress approved April 26, 1906 (34 Stats., 137) that steps be taken looking to the cancellation of said deeds, and that the matter be referred to the Attorney General for such action as may be deemed proper in the premises.

A complete copy of the record in the case is herewith inclosed, also deeds Nos. 5670 and 5670-A herein referred to.

Very respectfully,

(Signed) Tams Bixby

Commissioner.

Through the Commissioner
of Indian Affairs.

AG-10-10-3

Gr. En. 940.

Muskegee, Indian Territory, December 4, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskegee, Indian Territory.

Sir:

You are hereby notified that in accordance with Departmental instructions of November 24, 1906 (I.T.D. 23206-1906), the name of George Washington, deceased, has been stricken from the approved roll of citizens by blood of the Creek Nation opposite No. 5324.

Respectfully,

Acting Commissioner.

JP. FHE. LRS.

I.T.D. 23206-1906.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, November 24, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

With letter of October 8, 1906, you submitted the papers and testimony relative to the time of the death of George Washington, whose name appears upon the partial list of citizens by blood of the Creek Nation approved by the Department March 28, 1902, opposite No. 5324. You consider the evidence sufficient to warrant the striking of Washington's name from such partial roll, and so recommend, in which recommendation the Indian Office, in letter of November 19, 1906, concurs.

The Department also concurring in such recommendation, you are authorized to strike the name of Washington from the partial roll. The Indian Office has been authorized to take like action, in letter of even date.

As suggested by you, the Attorney-General has been requested to take steps with a view to the cancellation of deeds Nos. 5760 and 5760 A, issued to the heirs of George Washington for land in the Creek Nation.

Respectfully,

Thos Ryan,

First Assistant Secretary

Cr. En. 940.

Muskogee, Indian Territory, December 4, 1906.

Henry Long,

Yeager, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with Departmental instructions of November 24, 1906 (I.T.D. 23206-1906), the name of your nephew, George Washington, deceased, has been stricken from the approved roll of citizens by blood of the Creek Nation opposite No. 5324.

Respectfully,

Acting Commissioner.

CR

EN 94/

CR EN 94/

Car. 6. 941

No number.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 9, 1906

In the matter of the alleged application for the enrollment of Mary Gardner as a Creek Freedman.

A. B. PATTERSON (not admitted to practice), for the alleged applicant.

Mary Gardner, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Mary Gardner.

Q What is your postoffice address? A Muskogee.

Q How old are you? A 66.

Q Do you claim to have made application for enrollment as a citizen of the Creek Nation? A Yes sir.

Q When did you make that application? A In 1902.

Q What month? A In March, I think.

Q What day? A I don't remember.

Q Before whom did you go to make that application? A I don't know the whereabouts.

Q You don't know? A No sir.

Q You claim you made that yourself? A Yes sir.

Q In what way did you make that application, did you give testimony? A Yes sir.

Q Were you put under oath--were you sworn to tell the truth?

A Yes sir.

Q And questioned? A Yes sir.

Q Do you know what room that was in where you came to do that?

A No sir; I don't.

Q You know whether it was in this building? A I don't know sir.

I have been badly hurt; my memory is not so very good. I don't remember just where.

Q You don't remember whether it was before the Dawes Commission, do you? A No sir; I don't remember.

Q You remember if anybody was with you? A Yes sir.

Q Who was with you? A Mr. Young, a man named Young, an old acquaintance of mine.

Q What other name has he? A I always heard it called Young ever since I got acquainted with him; have known him for 15 or 16 years.

Q Is he a white man or a negro? A He is not a white man.

Q Negro? A Yes sir.

Q Do you know his whereabouts now? A Here in Muskogee, somewhere. I have met up with him again.

Q Anybody else? A Yes sir.

Q Who else? Tell all that were with you at that time? A It was

just Mr. Young.

Q Just state what you did at that time as well as you can remember; you claim to have made application.

A I just come to make application; asked me where I was born, best I can remember.

Q Is that all? A I told him where I was born.

Q Was that all then? A I don't remember what all they did ask me.

QUESTIONS SUGGESTED BY PATTERSON:

Q What did you say in answer to questions? A They asked me where I was born. I told them I was born on Verdigris River; they asked me the town name; I told them Rockpur. I call it Rockapur.

BY THE COMMISSION:

Q I just want to know what you did; how you claim to have made application; tell what you know about it? A They asked me about my mistress, what she was. I told them she was Creek. They asked me who I belonged to a mistress and also my mother. Lizzie was my mistress.

Q You don't remember where that was? A No sir.

Q You don't remember who did the examining? A No sir, I don't.

Q Do you know whether any record was made of that? A No sir; I don't remember.

SUGGESTED BY ATTORNEY:

Q Was it before the Dawes Commission? A Yes sir.

BY THE COMMISSION:

Q How do you know it was? A That's what they said it was.

Q They told you it was the Dawes Commission? A Yes sir.

SUGGESTED BY ATTORNEY:

Q Do you remember why they didn't put your name down? A Because the Cherokees would not put me case. Said I was Creek and for me to go to the Creeks.

BY THE COMMISSION:

Q Your lawyer wants to know when you came to make application as a Creek, if they gave any reason why your name was not put down as a Creek? A I suppose they put me down as a Creek when the Cherokees would not accept. They told me to come to the Creeks.

Q Who told you? A I say the man that was talking with me.

Q Who was that man? A I don't know what the man's name was.

Q Do you know if he represented the Dawes Commission?

A No, sir; I told you I don't.

Q Where were you when you were talking to this man? A It was in here, Muskogee.

Q But you don't know whether it was the Dawes Commission or not?

A They said it was.

Q The man that was talking with you? A Yes sir.

Q Said it was the Dawes Commission? A--

Q And that you go to the Creek Division? A Yes sir.

Q You say that was the Cherokee Division you were talking to at that time? A I went to them first, and when I told them that my mother was a Creek, they told me to go back to the Creeks.

Q And you think you came back here and talked about it to the Dawes Commission? A That's what they said.

BY THE COMMISSION:

Q Your lawyer wants you to make any statement that will help clear

up the matter and show that you did make application. Q What reason did they give for not putting your name on the roll?
A Because they said I was in the Cherokee Nation.
Q Did you tell them where you were born? A Yes, they asked me.
Q And what did you tell them? A I told them I was born on out on the Verdigris river.
Q What Town? A Rockspur I call it.

Attorney thinks he can get Mr. Young in a few days.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me
this the 17 day of June, 1905.

J. Y. Miller
Edw. C. Hiesey

Notary Public.

No Number.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JUNE 10, 1905.

In the matter of the alleged application for the enrollment of Mary Gardner, as a Creek Freedman.

Appearance: A.B.Patterson, attorney for applicant.

S.L.Young, being duly sworn, testified as follows:

- Q What is your ~~name~~ name? A S.L.Young.
Q What is your age? A 40 as near as I ~~xx~~ can guess.
Q What is your post office? A Tulsa.
Q Are you a citizen of the Creek Nation? A No sir.
Q Do you know Mrs. Mary Gardner? A Yes sir.
Q How long have you known her? A I expect about 15 years.
May be longer.
Q Do you know if ashe made an attempt to make application, for enrollment as a citizen of the Creek Nation? A She came to me and wanted to go up into the Creek Department to make application for enrollment. I was with her.
Q When was that? A As near as I can get at that time, it has been about 1902. I reckon somewhere in that.
Q Don't you know the year? A A 1902.
Q You said you guessed? A Yes sir.
Q Is that all you know about the year? A Yes sir. I was with her she came to me but didn't pay much attention to it.
Q Did you pay enough attention to her to remember the circumstance? A She was talking with me I know she was.
Q Since then you talked with her? A In that way you remember
A Seems then she was hurt. I could hardly recognize her.
Q Are you certain that is the same woman? A Yes sir.
Q How do you know she attempted to make the application before the Creek Department? A She claimed that her folks were Creeks.
Q What did she do at that time, how do you know she attempted at that time to make application as a Creek? A She asked about how to make application, we had quite a little talk.
Q Are you related to her in anyway? A No sir.
Q Are you interested in the case? A No sir.
Q What happened when she wanted to make application? A She met me out in the streets, she didn't ^{know} just how to do. They were several of them.
Q Did she get anybody else besides you to come up here?
A Not as I know at that time.
Q State as near as you recollect what attempt if anywas made to be enrolled? A When she came in she wanted to be enrolled. She said yes. Asked where she was born, she told them she was born at Grand River or Verdigris somewhere. She spoke of a town by the name of Rockspur and they told her she was would to go to the Cherokee Nation.
Q Is that all they said then? A All I can remember.
Q As you remember it you came with her to make application as a Creek citizen before somebody, and being asked if she wanted to make application and she said yes and they asked where she lived and they said she was in the Cherokee Nation, and she would have to make application to the Cherokees.

Q Is that the way you understood it? A Yes sir.
Q That was up here? A Yes sir.
Q You don't remember where that was that that attempt was made,
was it in this room? A In the Creek Department.
Q Where was that? A That was down below it seems to me.
Q Below where? A The under part.
Q Was it in this building? A Maybe it was.
Q Was it in this town? A It was in this town.

By Attorney:

Q Are you sure it was before the Dawes Commission? A It was
before the Dawes Commission.
Q Creek Department? A Yes sir.

By Commission:

Q How do you know it was the Creek Department? A That's the way
they claimed it was.
Q Did she say anything to you further? A She about gave it up
she told me she didn't see what she was going to do about it.
Q Do you know whether she did before or after that time attempt to
make application in the Cherokee Nation? A No sir, I don't.
Q That is all you know of the attempted application what you stated?
A Yes, sir, that is all.
Q You don't claim to remember that actually did make application?
A Yes sir.
Q Do you know whether she was sworn? Whether she sat down and was
asked questions and somebody took them down? A No sir.

By Attorney:

Q You don't remember? A When I came up she was in the room
before I got to her there was so many of them but didn't pay atten-
tion whether she was sworn or anything. All I know ----
Q Do you remember anybody else that was in the room at that time
when she came in? A Yes sir. There were a whole lot of them.
Q Can you remember the name of anyone or anybody that was in the
room at the time you came in? A Yes. I don't remember the name
(prompted by attorney) John Cain.
Q Who else was there? A A fellow named Ellis Harris.
Q That is all you know about it? A That's all I can remember, what
I have stated.

By Commission:

Q You said in this affidavit that you filed that she was rejected
by the Commission, what do you mean by that? A I call rejected
if a person was refused. I would call it rejected.
Q Did you go to make application in the Cherokee Division?
A They rejected it.
Q You didn't go with her to the Cherokee Division? A No sir.
Q You were interested enough to come up here? A No sir.

I, J.Y. Miller, a stenographer to the Commission to the Five
Civilized Tribes, do hereby certify that the above and foregoing is
a true and complete translation of my notes as same appear in my
stenographic report of this case.

Subscribed and sworn to before me this 17th day of June, 1906.

E. W. C. [Signature]
Notary Public.

No Number.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JUNE 14, 1905.

In the matter of the alleged application for the enrollment of Mary Gardner as a Creek Freedman.

Appearances: A .B.Patterson, for applicant:

John Porter, being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A John Porter.

Q What is your age? A 59.

Q What is your post office address? Muskogee.

Q Are you a citizen of the Creek Nation? A Yes Cherokee Nation.

Q Do you know Mary Gardner? A Yes sir.

Q How long have you known her? A 7 or 8 years.

Q Do you know anything about that attempted application of her for enrollment as a Creek citizen? A I don't know. My wife is a Creek citizen. My second wife is a Creek citizen, was named Emma Hawkins. I was in enrolling a little girl of mine in the office when she came in.

Q Where was that? A Right down here.

Q Downstairs? A Yes sir.

Q When? A In March 1902, I think.

Q Were you with her at that time? A No sir, I was not with her.

Q Got Mr. Hastain to put my little girl on the roll

Q How does that help you remember an attempted application on her part? A Her remarks that she made. She said that she wanted to her name enrolled. A gentlemen asked her where she was raised. She said she was born in the Cherokee Nation.

Q What gentlemen was that? A Mr. Hastain.

Q Downstairs here? A Yes sir.

Q You just said you were not with her? A I made the application myself.

Q Go ahead and state what happened at that time? A I knew her I listened to her testimony.--Waiting for Mr. Hopkins.

Q ~~Hastain~~.

Q We will give you an opportunity to tell all about the circumstance?

A She told him where she was born and raised, and they told her she couldn't make application for citizenship, - would have to make in the Cherokee Nation at Fort Gibson or some place.

Q This was the Creek office? A Couldn't make application?

A Yes sir.

Q That's all you remember? That she went downstairs and talked to them and they told her she couldn't make application after they found that she lived in the Cherokee Nation? A I don't know what position she was in. They asked her where she was born at. I thought Mr. Young was there with her in the office. I think he was there.

Q How many people were there in the office then? A I think the gentlemen over there, Mr. Hastain, a gentlemen that sits up stairs, I disremember who he was. I don't know whether it was Mr. Smith.

Q Somebody working for the Commission? A Yes sir.

Q How many applicants were there in there that were applying.

A My wife and my sister. I don't know anymore I didn't pay attention.

Q Was there a big crowd in there? A Yes sir.

were

Q And you in there with them in trying to enroll your child?

A Yes sir, Lenore Porter.

Q Did you go up and listened to the questions?

A No sir. Just like we were talking.

Q You were not attending to your own business but was just listening to what was said? A Yes sir.

Q You remember now these three years just what she said?

A I don't remember every word, just what I am telling I remember.

Q How did it happen to impress this on your mind about what she said? A Well just now I was a Cherokee Freedman myself. I just heard Mr. Hastain said to her.

Q Your memory sometimes goes back on you? A No sir.

Q What about the enrollment of your wife's brother, --didn't you forget that time in the Cherokee Nation? A No sir, I don't forget.

Q You came in and made several statements about the time he died differing very widely? A Yes, it wasn't my mistake.

Q It was not your mistake? A My wife. I didn't think about it anymore.

Q Your memory went back on you? A I didn't think about it at all.

Q You didn't pay attention? A No sir.

Q You know about the enrollment of your wife's brother in the Cherokee Nation? A Yes sir.

Q You first said he died one time and afterwards came in and changed it? A

Objection by Attorney noted.

Q You have a distinct recollection of Mary Gardner being in the office? A Yes sir. I met her several times.

Q When do you think that was? A In March. I don't know what day.

Q How many years ago? A That's three years ago.

Q Was she sitting near you, when she gave this testimony?

A No sir, I was sitting behind her, she was sitting in front of me.

Q Do you know what she said when she wanted to be enrolled in any of the Nation? A She was saying that she wished to be enrolled in the Creek Nation?

Q You heard her say that? A He asked where she was born. Mr. Hastain took that examination.

Q Was he asking her questions? A Yes sir. Mr. Hastain or Mr. Hopkins one.

Q You distinctly heard her say that she wanted to be enrolled in the Creek Nation as a Creek? A Yes sir.

Q And he told her that she would have to make application either at Fort Gibson or Vinita or some other place in the Cherokee Nation?

A Yes sir.

Q Did he ask any more questions?

A Several questions about children that I could not tell. I didn't understand everything. What I am saying I remember that.

Q Was she put under oath? A Before she was asked those questions?

A I don't know that.

Q Were you there from the beginning of the questioning or just heard part? A I seen her when she came in.

Q You ought to know if she was sworn? A No sir. I didn't pay attention to her. I was waiting.

BY ATTORNEY:

Q You were not watching them all the time? A No sir.

BY THE COMMISSION:

Q Did you notice if any of them were asking her questions-- whether a man put them down--a stenographer write them down? A There was a lady there--I think she was.

Q You think she wrote it down? A Yes sir. I think she is in the office here.

BY ATTORNEY:

Q You say you are not sure? A I am not sure whether she is in the office or not.

Q Are you positive that the lady was taking the testimony, or were guessing? A I suppose so. She was sitting like that gentleman (pointing to the stenographer) there.

Q You are not positive as to what she was doing there? A No, sir.

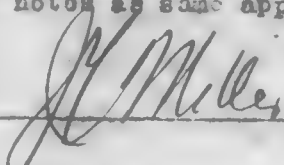
Q All you know she might have been writing something else?

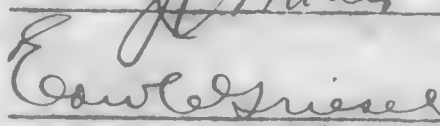
A I don't know. She was there when the gentlemen was talking.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Subscribed and sworn to before me
this the 19th day of June,
1905.





Notary Public.

I.D.

En.941.

DEPARTMENT OF THE INTERIOR,
~~COMMISSIONER TO THE FIVE CIVILIZED TRIBES.~~

In the matter of the alleged application for the enrollment of Mary Gardner as a Creek freedman.

SUPPLEMENTAL STATEMENT.

The records of this office examined and it does not appear that application has been made for the enrollment of Lenore Porter, child of John Porter, as a citizen of the Creek Nation.

The records of this office further examined and it appears that Rena Porter, child of said John Porter, was listed for enrollment as a Creek freedman, July 9, 1902 and that application for the enrollment of said child was made May 20, 1901.

The records of this office further examined and no record is found of an application for the enrollment of said Mary Gardner as a Creek freedman.


Acting Commissioner.

Muskogee, Indian Territory,

September 5, 1905.

~~DEPARTMENT OF THE INTERIOR,~~
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment of Mary Gardner as a Creek freedman.

DECISION.

The record in this case shows that on June 9, 1905, Mary Gardner appeared in person before the Commission to the Five Civilized Tribes in Muskogee, Indian Territory, and presented testimony relative to an application alleged to have been made for her enrollment as a Creek freedman prior to September 1, 1904, on which date the rolls of the Creek Nation were closed by order, dated June 13, 1904, of the Secretary of the Interior, under authority in him vested by act of Congress March 3, 1901 (31 Stats., 1058). Further proceedings were had June 10, June 14, and September 5, 1905.

It appears from the evidence that during the month of March, 1905, said Mary Gardner appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and stated that she desired to be enrolled as a Creek freedman and that no record was made of said application.

I am of the opinion that the evidence shows that application was made for the enrollment of said Mary Gardner as a Creek freedman prior to September 1, 1904, and that said application should now be heard and determined on its merits, and it is so ordered.


Commissioner.

Muskogee, Indian Territory,

NOV 14 1905

En.---

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 4, 1906.

In the matter of the application for the enrollment of
Mary Gardner as a citizen of the Creek Nation.

Mary Gardner being duly sworn testified as follows:

- Q What is your name? A Mary Gardner.
Q What is your age? A Sixty six.
Q Do you claim to be a citizen of the Creek Nation? A Yes, sir.
Q Do you claim any Indian blood? A Yes, sir.
Q Creek blood? A Yes, sir.
Q How much Creek Indian blood do you claim? A Three quarters.
Q What is the name of your father? A I haven't got any father.
Q Do you know whether he was a citizen of the Creek Nation? A I don't know, don't know anything about it.
Q Do you claim anything from him? A No, sir.
Q What was the name of your mother? A Lydia Whitlow.
Q Is she living? A No, sir.
Q Was she a citizen of the Creek Nation? A Yes, sir.
Q Citizen by blood or a freedman? A An Indian.
Q How much Creek Indian blood do you claim she had? A Full blood.
Q How do you claim to be three quarters when your mother was a full blood and you don't claim anything from your father? A I don't know I say.
Q You claim that your mother was a full blood Indian do you? A Yes, sir.
Q By the name of Lydia Whitlow? A Yes, sir.
Q Was she ever known by any other name? A No, sir.
Q When did she die? A Just as the war broke up.
Q Do you know what year that was? A No, sir.
Q Where was she living at the time she died? A Red Fork.
Q Is that in the Creek Nation? A Yes, sir.
Q How long have you lived in Muskogee? A Off and on for three or four years.
Q Tell us as briefly as possible the places of your residence since your birth? A I was born in the Cherokee Nation.
Q How long did you live there? A Twenty five or thirty years and from there to Vinita and from there to Wagoner.
Q Where did you go then? A Red Fork.
Q How long did you stay there? A Twenty two or three years.
Q Then where did you go? A Vinita.
Q How long did you stay in Vinita? A Eighteen or nineteen years, some where along there.
Q Then where did you go? A To Wagoner.
Q Then where did you go? A To Muskogee.
Q That brings you up to the present time does it? A Yes, sir.
Q When were you born? A I don't know what year.
Q Were you living when the war broke out? A Yes, sir.
Q How old were you when the war broke out? A I don't know exactly.
Q Were you a boy or a little girl? A I was a big girl.
Q Where did you live during the war? A I was up and down the Verdigris river and different parts of the territory. Just scouting, me and this lady that raised me—Mrs Whitlow.
Q Did you ever draw any money from the Creek Nation? A No, sir.
Q Do you know if any one ever drew any for you? A None was drawn for me.
Q Do you know if your name is on any of the tribal rolls of the Creek Nation? A No, sir.

Q You don't think it is on any roll? A I don't think it is. I know it aint.

Q Is the name of your mother on any roll that you know of? A No, sir.

Q Have you ever been recognized by any member of the tribe as a citizen of the Creek Nation? A I don't know.

Q Did you apply to the Dawes Commission in 1896 to be admitted to citizenship in the Creek Nation? A No, sir.

Q Have you ever been admitted to citizenship in the Creek Nation by a decision of the United States court or by a decision of the Commission? A Not that I know of.

Q Do you know if your mother's name is on any of the tribal rolls? A I don't know.

Q Do you know if she ever drew any money from the Creek Nation? A No, sir.

Q Do you claim that you or she were enrolled by Major Dunn? A No, sir.

Q What kind of a claim do you make for rights in the Creek Nation, how do you claim to be entitled? A Indian blood that was all.

Q You don't claim to have been recognized by any of the authorities. A Not that I know of.

Q Have you any statement to make in regard to your claim, explaining how you claim? A No, sir..

At the request of applicant she is given fifteen days time within which to procure witnesses in this case.

I, Anna Garrigues, state on oath that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me
this 8 day of January 1906.

J. M. McDermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 13, 1906.

In the matter of the application for the enrollment of Mary Gardner as a Creek Freedman.

APPEARANCES: Alex G. W. Sango, Attorney for applicant:

MARY GARDNER, being duly sworn, testified as follows:

BY THE COMMISSIONER: Q What is your name? A Mary Gardner.
Q You testified in this case the other day did you? A Yes, sir.

By Alex G. W. Sango:
Q Who is your mother? A Lydia Whitlow.
Q Where is your mother now? A She is dead.
Q When did she die? A At the closing of the War.
Q Where was she living when she died? A Redfork.
Q How old are you? A About sixty-six.
Q How long had you been living with your mother before she died? A Twenty-five years.
Q Are you on the Creek Roll? A My mother was a full blood Creek Indian.
Q Have you ever been recognized as a citizen of the Creek Nation?
A Yes, sir.
Q How do you know your name is not on any of the rolls? A I could not tell.
Q Have you always lived in the Creek Nation? A Yes, sir.
Q Where? A At Redfork and over in the Cherokee Nation.
Q Why are you not on the Creek Roll? A I guess I am on it. I don't know.
Q Is your memory affected in any way? A Yes, sir, some.
Q Is that defect caused by a blow on the head? A yes, sir. It effects me sometimes but not all the time.
Q Do you say your mother was a full blood Creek Indian? A yes, sir.
Q Why do you make application for enrollment as a Creek Freedman?
A I don't understand.
Q If your mother was a Creek Indian why do you make application to be enrolled as a Creek Freedman? A I don't know. I don't understand you.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 17 day of Jan, 1906.

Wm. M. Mays
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, February 2, 1906.

In the matter of the ~~alleged~~ application for the enrollment of Mary Gardner as a Creek freedman.

APPEARANCES: A.G.W.Sango, attorney for applicant.
Office of Creek attorney communicated with
but he did not appear in the case.

ABE PRINCE, being duly sworn, testified as follows:

- Q What is your name? A Abe Prince.
Q What is your age? A I do not know my age but I guess I am over sixty.
Q What is your post office address? A Redbird.
Q Do you know the applicant in this case, Mary Gardner? A Yes, sir.
Q How long have you known her? A I have known her a long time.
Q Where did you first meet her? A I always saw her in the nation.
Q Ever since you were born? A No, not ever since I was born but I see her regularly all the time.
Q Did you see her here during the war? A Yes, sir.
Q And right along since? A Yes, sir.
Q Have you always lived near here? A No, but I see her here all the time.
Q Was she born in the Creek Nation? A Yes, sir.
Q Do you know if she has ever been out of the Creek Nation? A Not as I know of.
Q Do you know if she ever made application for enrollment as a citizen of the Creek Nation? A No, sir, never heard of it.
Q What was the name of her father? A Gardner but the other part of his name I don't recollect.
Q Is he dead? A I think he is.
Q When did he die? A I don't know.
Q What was the name of her mother? A It has kind of slipped my memory.
Q Is she living? A I don't think she is.
Q Don't you know anything about it? A I know her but I don't know whether she is dead or living.
Q She was living at the time of the war? A Think she was.
Q Was she living as much as ten years after the war closed? A I think so but I am not positive of it. I don't know for certain.
Q Was her father a citizen of the Creek Nation? A I couldn't tell you about that. I think he was though. I don't know whether her mother was a citizen of the Creek Nation. Her mother was always recognized as one of the nation.
Q Was her mother ever recognized by any of the proper authorities as a citizen of the Creek Nation; by the Creek tribal authorities, the United States court or the Dawes Commission? A I know she was recognized by the Indians.
Q Do you know if she was officially recognized by any of the proper authorities? A I don't know.
Q Do you know if Mary Gardner was ever recognized by any of the Creek tribal authorities, the United States court or the Dawes Commission as a citizen of the Creek Nation? A No, sir

Q You have been recognized yourself? A Yes, sir.
Q And you are on some roll are you? A Yes, sir.
Q No & don't you know that that is different from some neighbor taking you for an Indian? A I don't know whether she was recognized that way.
Q Don't know if she ever drew any money? A No, sir I don't know.
Q Don't know if she was admitted by the United States Court? A No, sir.
Q Has Mary Gardner any Indian blood that you know of? A Yes, sir.
Q How do you know that? A Why the people all say so and I think she has Indian blood and she was known by the Creek people.
Q How do you know she is a Creek woman, she doesn't look that way to me. A I think she is. I knew she has Creek blood.
Q How much has she? A I don't know.
Q Was she as much as a half? A About a half I think.
Q Do you think she has more than a half? A About a half I reckon.
Q Where does she get that from? A They say her daddy was half Indian.
Q Did she get any Indian blood from her mother? A She's bound to get some from her mother too.
Q How much Creek Indian blood do you think her mother had? A I think her mother was about a half breed.
Q What was the other blood of her father and mother besides Indian? A I heard it was white.
Q Do you know whether she had any black blood? A Not that I know of.
Q To look at her wouldn't you think she had colored blood? A She never did show any colored blood to me.
Q Mary Gardner isn't here today? A No, sir.
Q The one I am thinking about is black? A If she has any black blood she don't show it to me.

ATTY. FOR APPLICANT.

Q Do you know Margaret Whitlow? A That's the name I forgot; that's the name of Mary's mother.
Q Where did Margaret Whitlow live? A Up on Red Fork among the Indians.
Q Did you know Margaret Whitlow about the time of the Civil War? A No, sir.
Q Did you know her before that time? A Yes, sir.
Q Did you know Mary Gardner before that time? A Yes, sir.
Q Was Mary Gardner living with her mother before the war at Red Fork? A I suppose. I never been right with her but they say she was living with her mother.
Q Was Margaret Whitlow colored or Indian? A Looked like an Indian to me.
Q Was she so recognized to be? A I don't know.
Q Do you know any of Margaret Whitlow's relation? A No, sir. I knew Margaret and Mary.
Q Have you seen Mary anywhere else besides Red Fork? A I used to see her passing from the nation all the time, from the Creek to the Cherokee Nation.
Q About how old is Mary Gardner? A I reckon about 50 or 60.
Q You don't know whether she has ever been recognized by the tribal authorities as a Creek citizen? A I don't know that.
Q Do you know whether Margaret Whitlow was ever so recognized? A I don't know that.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said case on said date.

Subscribed and sworn to before me this 6 day of February 1906.

Anna Garrigues
Notary Public
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, April 5, 1906.

In the matter of the application for the enrollment
of Mary Gardner as a Creek freedman.

Patterson, Lily & Sange, represented by A.E. Patterson,
attorneys for applicant.

M.L. Mott attorney for Creek Nation.

STATEMENT by attorney:

We expect to prove by this witness that Mary Gardner
resided in the Creek Nation prior to and subsequent
to the Civil war; that this witness was and is now
acquainted with Mary Gardner, applicant, and that
from his knowledge of her and her relations with the
Creek tribe of Indians she was recognized as a member
of the Creek tribe of Indians.

This will be the last witness we will introduce
on behalf of Mary Gardner in this case.

MANUEL HAWKINS, being duly sworn testified as

follows:

- Q What is your name? A Mameel Hawkins.
Q What is your age? A Fifty three I guess.
Q What is your post office address? A Haskell.
Q Are you a citizen of the Creek Nation? A Yes, sir
Q Received your allotment in the Creek Nation? A Yes, sir
Q Do you know the applicant in this case? A Mary, yes, sir
Q Not here is she now? A No, sir
Q Did you know her father? A No, sir
Q Do you know what his name was? A No, sir I didn't know her father;
knew her mother.
Q What was her mother's name? A Lydia Whitlow is what I knew.
Q Is her mother living? A Not as I know of. I don't believe she is.

ATTY. FOR APPLICANT.

- Q You may state where Mary Gardner was living, if you know, about
the time the Civil war broke out? A I knew Mary time the Civil war
broke out, I was quite small, on the Red Fork.
Q In the Creek Nation? A In the Creek Nation.
Q You may state if you know with whom she was living? A She was living
with Margaret Whitlow.
Q Who was Margaret Whitlow? A Her owner.
Q You may state whether or not you have seen Mary Gardner since the
close of the War? A I saw her time of the War.
Q How many times did you see her, if you know? A Lots of times, couldn't
tell how many times, didn't keep account of it.
Q Did you see her immediately after the close of the war? A Yes, sir
Q Where, if you remember? A Red Fork where her home was.
Q Do you know whether or not Mary Gardner ever drew any money from
the government? A I don't know that.
Q Do you know whether or not her name is on the roll? A I don't know
that? A I don't know that. She was always treated as a citizen.
Q Do you know whether or not Mary Gardner was recognized by the
authorities of the Creek Nation as a member of the Creek tribe of
Indians? A She was recognized as an Indian.

COMMISSIONER.

Q You don't know whether she ever drew any money from the Creek Nation?
A No, sir

Q When did you say you first got acquainted with her? A Civil War.

Q Are you sure of that? A Yes, sir, I am for a fact.

Q When did you next see her? A After the war.

Q During the war and then after the war? A Yes, sir

Q Sure you saw her in the Creek Nation at that time? A Yes, sir

Q How old was she at that time? A I couldn't tell; she is older than I am.

Q Do you know if her name is on the Dunn roll? A I couldn't tell you that.

Q Is your name on the Dunn roll? A I couldn't tell but I am a citizen and got my allotment.

Q You say that she was recognized, you don't mean to say she was recognized by the Creek tribe of Indians what did you mean--by the neighbors around? A Yes, sir

Q You don't know if she was recognized by any of the proper authorities? A No, sir

Q You don't know if she applied or was admitted by the Creek tribal authorities? A No, sir

Q Do you know if she applied to the Dawes Commission in 1896? A I don't know that.

Q You don't know if she was denied and applied to the courts? A No, sir

Q Do you know to what Creek Indian town she claims to belong? A Not exactly I don't.

Q What was the name of her mother? A Lydia Whitlow.

Q What makes you think she is entitled to enrollment as a Creek where would she get it from? A Creek Indian by blood; that's what I would call it.

Q You are not a Creek Indian by blood but a freedman. Do you think she is by blood or a freedman? A I think she is by blood.

Q Where does she get that blood from her father or mother? A Her father.

Q You stated you didn't know her father? A I didn't.

Q You didn't know her father? A No, sir.

Q Then how can you say she was a Creek Indian by blood and got her blood from her father? A I didn't know her father.

Q Was her mother Creek by blood? A Her mother is half breed.

Q What town did they belong to? A I told you that I didn't know.

Q Do you know of any other children of that mother of hers? A I was acquainted only with Mary and her mother Lydia. I didn't live with them.

Q How long since you first got acquainted with Mary Gardner, how many years? A I couldn't tell you.

Q Where you here in the Creek Nation during the war? A Yes, sir

Q Here right after the war? A Yes, sir

Q You didn't draw the Dunn payment did you? A No, sir nothing, not a cent.

Q All you knew about any possible right she may have to enrollment is that you say she was recognized as a Creek Indian by the neighbors and people around? A Yes

Q You say she is older than you are, do you know how old she is? A No sir I don't.

Q Was she a slave? A I couldn't tell you that. When I got acquainted with her she was with Mrs. Whitlow.

Q Are you sure Lydia Whitlow was her mother? A Yes, sir

Q Did you ever see Lydia Whitlow? A Yes, sir

Q Is she living? A I don't think she is.

Q Do you know whether she is or not? A I guess she is dead; I don't see her.

Q When was the last time you saw Lydia? A Time of the war.

Q Not seen her since that time? A No, sir

Q How old was this applicant at the time of the war? A I couldn't tell you that.

Q Was Mary a child in arms of her mother when you first saw her, was she that small? A No, sir, great big girl.

Q Was she as much as 18 years old when you first saw her? A I understood her to be quite a young woman, a school girl.

Q Do you mean she was about sixteen? A Between 16 and 18. A In the neighborhood of that according to my judgment.

Q Who told you that Lydia was the mother of Mary? A Who told me?

Q Yes? A Why I found it out then.

Q Who told you-how did you find it out? A By her and the neighbors around. We all scouted together time of the war.

Q Was Mary married when you first knew her? A Not as I know of. I couldn't tell about that.

Q When did you first see her after you first met her, did you see her around there continuously for several years? A Around about that part of the neighborhood, the Red Fork neighborhood.

Q Was she with her mother all that time I seen her. The first time I saw her she was with her mother, old lady Lydia.

Q Was her mother on the Dunn roll? A I couldn't tell.

Q Don't know if her mother received any money? A I can't tell that.

Q How much Creek Indian blood has Mary Gardner do you know? A I would call her half breed.

Q Do you know where Mary Gardner was born? A No, sir.

Q The first time you saw her she was probably 16 or 18 years old? A Yes.

Q How long did she stay in the Creek Nation after that? A I never saw her any place else.

Q Did you see her five years after the war in the Creek Nation? A I couldn't say that.

Q Did you see her right along in the Creek Nation? A No, sir.

Q When did you see her last? A Two or three years ago to my knowledge.

Q Haven't you seen her in the last two or three years? A I seen her today.

Q That is the last time then isn't it? A Yes, sir.

Q Before that you hadn't seen her for two or three years? A The question is when did I see her.

Q You say you saw her today? A Yes, sir.

Q How long before you saw her before that, did you see her frequently the last year? A Off and on.

Q Never heard of her being out of the Creek Nation? A I never did. May have been out and I didn't know.

Q You didn't see her every year every year from the War up to the present? A No, I couldn't.

Q Do you know if she has ever been in Texas? A Couldn't tell you that.

Q Know if she has ever been in the Cherokee Nation? A Yes, sir she has been in the Cherokee Nation. I know she has been at Fort Gibson.

Q Ever live there? A Not that I know of. All of us have been there.

Q You don't know the name of any Creek Indian roll that Lydia Whitlow and Mary Gardner would be on? A No, sir I don't.

Q You don't know anything about any recognition by the tribe or any other proper authority of Mary Gardner? A No, sir.

Q The only thing you know is the neighbors around recognized her? A Yes, sir.

ATTY. FOR CREEK NATION:

Q Do you know of anybody this applicant or her mother is kin to who is on the roll? A I don't know, there is the Whitlows; she came from the Whitlows.

Q Don't know if any of their kin folks are on the roll do you? A No, sir.

Q When were you asked to be a witness in this case? A I knew Mary.

Q When did she first ask you; did she ask you? A About a month or two

I didn't have time to come here then.

Q Is that the first time she asked you? A Yes, sir. I knew about her case.

Q Was that the first time she ever asked you? A Yes, sir.

Q Are you a citizen? A Yes, sir.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before
me this 14 day of April 1906.

Anna Garrigues

J. M. Dermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Gardner as a citizen of the Creek Nation.

DECISION.

The record in this case shows that application was made for the enrollment of Mary Gardner as a Creek freedman prior to September 1, 1904. Further proceedings were had January 4, January 13, February 2 and April 5, 1906.


The evidence shows that the name of Mary Gardner does not appear on the roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867, and that said applicant was an adult at the time of the making of said roll.

It does not appear from the evidence or from the records in the possession of this office that said Mary Gardner has ever been enrolled as a citizen of the Creek Nation, nor does it appear that said applicant has ever been admitted to citizenship in said nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory.

The act of Congress approved April 26, 1906 (Public--No. 129), provides:

"That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Mary Gardner, as a citizen of the Creek Nation and the application for her enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory.

JUL 10 1906

En. 941

Muskogee, Indian Territory, September 7, 1906.

Mary Gardner,

Care A.E. Patterson,

Muskogee, Indian Territory.

Dear Madam:

Receipt is acknowledged of your communication of September 1, 1906, relative to an alleged application for your enrollment as a citizen of the Creek Nation.

In reply you are advised that the matter of your alleged application for enrollment as a citizen of the Creek Nation is pending before this office and that when a decision is rendered in the matter, you will be duly notified.

Respectfully,

Acting Commissioner.

Cr En 941

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Hest.

Muskogee, Indian Territory, November 15, 1905.

A. B. Patterson,

Attorney for Mary Gardner,

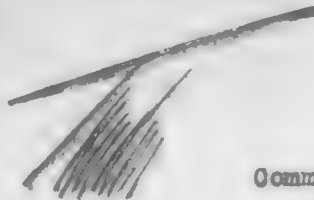
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on November 14, 1905, the Commissioner to the Five Civilized Tribes rendered a decision in the matter of the alleged application for the enrollment of Mary Gardner as a Creek Freedman, holding that said application was made prior to September 1, 1904.

You are accordingly notified that said Mary Gardner may now appear at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, and submit testimony relative to her right to enrollment as a Creek Freedman.

Respectfully,



Commissioner.

Or. In. 941.

Muskogee, Indian Territory, July 11, 1906.

Mary Gardner,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Register,
IM-190.

Acting Commissioner,

Gr.No.941.

Muskogee, Indian Territory, July 11, 1906.

M. L. Matt,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Gardner, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

LN-111.

Acting Commissioner,

Cr. 2-241.

Muskogee, Indian Territory, July 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Mary Gardner, as a Creek Freedman, including the decision of the Commissioner, dated July 10, 1906.

Respectfully,

LM-112.

Acting Commissioner.

Through the
Commissioner of Indian Affairs.

Text

REPORT IN REPLY TO THE FOLLOWING:

Cr. In. 941.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 11, 1906.

A. B. Patterson,

Attorney for Mary Gardner,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Gardner, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

W. O. Beall

Acting Commissioner.

IM-110.

Cr. No. 941.

Muskogee, Indian Territory, October 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

July 11, 1906, there was transmitted to the Department the record of proceedings had in the matter of the application for the enrollment of Mary Gardner as a Creek freedman, together with decision of the Commissioner dated July 10, 1906 denying said application.

There is transmitted herewith for Departmental consideration, petition to reopen said cause accompanied by the joint affidavit of Simon Barnett and William Barnett, the same having been filed with this office September 10, 1906. Said petition does not show service of copy of same upon the attorney for the Creek Nation.

The statements set forth in said petition, and accompanying affidavits, as grounds for reopening are to the effect that the testimony previously submitted is incorrect as regards the names of the owner and mother of said applicant; that the maiden name of applicant was Mary Marshall; that she is the daughter of Chesney Marshall who was a slave of Tom Marshall; that the name of said applicant was placed on the Dums roll as a member of Arkansas

Secretary ---2

town and was afterwards transferred to the North York roll, and that payments were drawn for said Mary Marshall by the affiant, Simon Barnett.

It is further alleged that said Mary Gardner is now *compos mentis* and irresponsible by reason of injuries received by her.

It appears from the evidence in the case that Mary Gardner in her testimony taken in proceedings had on January 4, 1906 stated that the name of her mother was Lidia Whitlow and in later proceedings this statement was reiterated by her. Abe Prince, a witness on behalf of the applicant, testified that the name of applicant's mother was Margaret Whitlow, this statement being made after the name had been suggested in the question asked witness by attorney for applicant. Manuel Hawkins, another witness for applicant, testified that the name of applicant's mother was Lidia Whitlow and that he knew applicant at the time of the Civil War when she was living with her owner, Margaret Whitlow.

The applicant Mary Gardner in proceedings had January 13, 1906, in answer to certain questions propounded by her attorney testified as follows:

"Q Is your memory affected in any way? A Yes sir. Some.
Q Is that defect caused by a blow on the head? A Yes sir.
It affects me sometimes but not all the time."

Secretary--3

It is submitted that the testimony of applicant, as shown by the evidence, in answer to the various questions, is direct and unwavering, and that there is nothing in the record which would warrant the conclusion that the applicant is of unsound mind.

The ignorance of applicant as to the meaning of certain questions cannot be considered as evidencing a weak intellect.

It is difficult to reconcile the statement of applicant that she never participated in any of the Creek tribal payments, with the statements contained in the affidavit of Simon Barnett and William Barnett that money was drawn in certain Creek payments for applicant by said Simon Barnett and that said Mary Gardner left the Creek Nation soon after the making of the Dunn roll and did not return until recent years.

An examination of the Dunn roll in the possession of this office shows that four persons of the name of Mary Marshall are listed thereon and that all of said names have been accounted for.

An examination of the 1890 and 1895 authenticated rolls of the Creek Nation, North Fork Town, fails to show that any person of the name of Mary Marshall is listed thereon.

The record shows that applicant was represented by

Secretary -2-4.

attorney in the various proceedings had in this matter and that ample time and opportunity was afforded said applicant and her attorneys for the introduction of such evidence as might be material in the case between January 4, 1906, the date of the initial proceedings in the matter of the right to enrollment of said applicant as a Creek citizen, and July 10, 1906, the date on which decision of the Commissioner was rendered in said matter.

In view of the facts in the case I respectfully recommend that said petition to reopen be denied.

Respectfully,

Commissioner.

Enc. CM-13-1.

Through the Commissioner
of Indian Affairs.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

LAND:
59527-1906
91580- "
96000- "

WASHINGTON.

December 12, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated July 11, 1906, transmitting the record relative to the application of Mary Gardner as a Creek Freedman.

Prior to September 1, 1904, Mary Gardner applied to the Commission to the Five Civilized Tribes, for enrollment as a Creek freedman. Further proceedings were had in reference to the application on January 4, and 13, February 2, and April 5, 1906.

On July 10, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

The Commissioner reports that his records do not show that the applicant's name appears on any of the Creek rolls or that she was admitted as a Creek freedman by any court of that nation.

The Office is in receipt of a motion to reopen this case filed by Lynn W. Culp, attorney for the applicant, on October 13, 1906, and an affidavit filed on October 2, 1906, both of which have been considered.

In view of the testimony of the applicant to the effect that she never claimed that her name was on the J.W. Dunn freedman roll of 1867 and as the Commissioner to the Five Civilized Tribes says it is not shown thereon, and also in view of Section 3, of the Act of April 26, 1906 (34 Stat. L.137), the decision of the commissioner adverse to the applicant is recommended for approval.

Very respectfully,

G.F. Larrabee,

Acting Commissioner.

HRD

C.

D.C.607-1907.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

FHE.

I.T.D.25152-1906.

December 27, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

July 11, 1906, you submitted the record in the matter of the application for the enrollment of Mary Gardner as a Creek freedman, which included your decision of July 10, 1906, adverse to the claimant.

On October 13, 1906, you transmitted a motion, accompanied by affidavits, to reopen the case, which motion was filed in your office September 10, 1906, and therefore within the time provided in Sec. 1 of the act of April 26, 1906 (34 Stat., 137).

You state that the grounds set up to procure a rehearing are to the effect that the testimony previously submitted is incorrect as regards the name of the owner and mother of said applicant; that the maiden name of the applicant was Mary Marshall; that she is the daughter of Chaney Marshall who was the slave of Tom Marshall, and that the name of said applicant was placed on the Dunn roll as a member of Arkansas Town and was afterwards transferred to the North Fork roll, and that payments were drawn for said Mary Marshall by one of the affiants to the affidavits in support of the motion.

It appears from the evidence in the case that Mary Gardner is the daughter of Lidia Whitlow. Abe Prince testified that the name of the applicant's mother was Margaret Whitlow, and Manuel Hawkins testified that the name of the applicant's mother was Lidia Whitlow and that he knew applicant at the time of the civil war when she was living with her owner, Margaret Whitlow.

You state that it is difficult to reconcile the statement of the applicant that she never participated in any of the Creek tribal payments, with the statements contained in the affidavit of Simon Barnett and William Barnett in support of the motion for rehearing that money was drawn in certain Creek payments for the applicant by said Simon Barnett and that said Mary Gardner left the Creek Nation soon after the making of the Dunn roll and did not return until recent years. You report that the Dunn roll in the possession of your office shows that four persons by the name of Mary Gardner are listed thereon, and that all of said named have been accounted for. You recommend that the motion be denied, in which recommendation the Indian Office concurs, in its letter of December 12, 1906 (Land 96000), submitting your report.

It is stated in said letter of December 12th, that the Indian Office "is in receipt of a motion to reopen this case filed by Lynn W. Culp, attorney for the applicant, on October 13, 1906, and an affidavit filed on October 2, 1906". This the Department cannot verify by the papers before it; there was, however, transmitted by the Indian Office an affidavit by Sonny

Grayson, received by it with letter of October 20, 1906, from Z. T. Walronde. This affidavit and those in support of the motion for rehearing are by mark, and the parties thereto, it appears, had not seen the applicant, if she is the person they allege she is, after the making of the Dunn roll until recently. The claimant may be of unsound mind as alleged; her answers to many questions would indicate that to be so; but the case has the appearance of an attempt, by false swearing, to have the name of the applicant placed on the roll. Therefore, and for the reasons set out by you and the Indian Office, and in the absence of any satisfactory explanation of the attempt to prove a right through a different ancestor and owner than these now alleged, the Department must refuse to grant a rehearing. The motion is accordingly denied and your decision of July 10, 1906, is affirmed.

A copy of the Indian Office letter is inclosed. The other papers in the matter have been returned to that office.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 5 to Ind. Of.

En. 941

Muskogee, Indian Territory, January 9, 1906

A. G. W. Sango,

General Delivery,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on December 12, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Mary Gardner, as a citizen of the Creek Nation.

Respectfully,

Commissioner

En. 941

Muskogee, Indian Territory, January 9, 1907.

M. L. Nett,

Attorney for Creek Nation,

Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that on December 12, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Mary Gardner, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

En. 941

Muskogee, Indian Territory, January 9, 1907.

A. B. Patterson,

Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that on December 12, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Mary Gardner, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

No. 943

Muskogee, Indian Territory, January 9, 1907.

Lynn W. Gulp,
General Delivery,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on December 12, 1906,
the secretary of the Interior affirmed the decision of the
Commissioner to the Five Civilized Tribes denying the appli-
cation for the enrollment of Mary Gardner, as a citizen of the
Creek Nation.

Respectfully,

Commissioner.

No. 941

Muskogee, Indian Territory, January 9, 1907

Mary Gardner,
General Delivery,
Muskogee, Indian Territory.

Dear Madam:

You are heroby advised that on December 12, 1906,
the Secretary of the Interior affirmed the decision of the
Commissioner to the Five Civilized Tribes denying your
application for enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner.

Copy

In Re, the Application of Mary Gardner for Enrollment
As A Creek Freedman.--Petition For Re-Opening.

Comes now Mary Gardner, nee Marshall, and states that on or about the eleventh day of July, 1906, her application for enrollment as a Creek Freedman was denied by the Commission, for want of sufficient evidence; that after being informed of the fact, she told her ~~two~~ uncles Simon Barnett and William Barnett, of the result; that the said Simon Barnett and William Barnett had already told her that a great mistake had been made in the matter of her application, as they had been informed that it had been set up that she had been the slave of the Whitlow family, and other mistakes of equal importance had been made, whereas the said Simon Barnett and William Barnett say and make affidavits hereto attached, that applicant's maiden name was Marshall; that she was placed on the Dunn Roll under that name in the year 1867, a member of the Arkansas Town, and after ards transferred to the North Fork roll; that the said Mary Marshall, now Gardner was the daughter of Chaney Marshall; that the said Chaney Marshall was a sister of the said Simon Barnett and William Barnett; that the said Simon Barnett drew the twenty nine dollars payment and the fourteen dollars and forty cents payment for the said Mary Marshall, applicant herein. The said Simon Barnett and the said William Barnett each say, and make oath, that the applicant herein is the same Mary Marshall, now Gardner, that was reared to womanhood with them in the Creek Nation; that besides her face and features being plainly recognizable there are other marks of identification that make it impossible for them to be mistaken in her identity.

Affidavits of the said Simon Barnett and the said William Barnett are hereto attached (applicant asks ten days in which to file other and additional affidavits), and it is the humble prayer of your petitioner that her case be re-opened and that she be permitted to offer her proof to establish her claim to citizenship thereunder.

Petitioner Mary Gardner, nee Marshall, says that she has read (or had read to her) the foregoing petition, and that the matters and things therein contained are true, as she verily believes.

Witnesses:-

O. E. Crames
Lynn W. Culp

Signed Mary Gardner
mark

Subscribed and sworn to before me this 10th day of
September, 1906.

Olin E. Crames
Notary Public.

Lynn W. Culp
Att. for Mary Gardner

**In re the Application of Mary Gardner for Enrollment
As a Creek Freedman,--Petition For Re-Opening.**

Comes now Mary Gardner, nee Marshall, and states that on or about the eleventh day of July, 1906, her application for enrollment as a Creek Freedman was denied by the Commission, for want of sufficient evidence; that after being informed of the fact, she told her ~~uncles~~ uncles Simon Barnett and William Barnett, of the result; that the said Simon Barnett and William Barnett had already told her that a great mistake had been made in the matter of her application, as they had been informed that it had been set up that she had been the slave of the Whitlow family, and other mistakes of equal importance had been made, whereas the said Simon Barnett and William Barnett say and make affidavits hereto attached, that applicant's maiden name was Marshall; that she was placed on the Dunn Roll under that name in the year 1867, a member of the Arkansas Town, and afterwards transferred to the North Fork roll; that the said Mary Marshall, now Gardner was the daughter of Chaney Marshall; that the said Chaney Marshall was a sister of the said Simon Barnett and William Barnett; that the said Simon Barnett drew the twenty nine dollars payment and the fourteen dollars and forty cents payment for the said Mary Marshall, applicant herein? The said Simon Barnett and the said William Barnett each say, and make oath, that the applicant herein is the same Mary Marshall, now Gardner, that was reared to womanhood with them in the Creek Nation; that besides her face and features being plainly recognizable there are other marks of identification that make it impossible for them to be mistaken in her identity.

Affidavits of the said Simon Barnett and the said William Barnett are hereto attached (applicant asks ten days in which to file other and additional affidavits), and it is the humble prayer of your petitioner that her case be re-opened and that she be permitted to offer her proof to establish her claim to citizenship thereunder.

Petitioner, Mary Gardner, nee Marshall, says that she has read (or had read to her) the foregoing petition, and that the matters and things thereunto contained are true, as she verily believes.

Witnesses:—

Subscribed and sworn to before me this 10th. day of
September, 1906.

Notary Public.

In Re The
Petition of
Mary Gordon
for a full name
at Wash. D.C.
Referring
Petition

COMMISSIONER TO FIVE TRIBES.			
No.	Received	SEP 10 1906	Page

James H. Sullivan
Act. for Comm.

In Re, the Application of Mary Gardner, nee Marshall,
For Enrolment As a Creek Freedman- Re-Opening.

United States Of America,

Indian Territory,

Western District.

SS.

Copy

Before me, a Notary Public in and for the Western District, Indian Territory, duly commissioned and acting as such, this day personally appeared Simon Barnett and William Barnett, who being by me first duly sworn, on oath depose and say: That they are each well acquainted with the applicant, Mary Gardner, having known her from childhood; that the said Mary Marshall is the daughter of Chaney Marshall, a slave of Tom Marshall (Indian), and a sister of these affiants; that

the said Mary Gardner was about fifteen years old at the time of the making of the Dunn roll in the year 1867, and that she was placed on that roll as a member of the Arkansas Colored Town and afterwards transferred to the North Fork roll; that the said Simon Barnett drew the twenty-eight dollar payment and the fourteen dollars and forty cents payment for the said Mary Marshall (now Gardner); that the said

Mary Marshall, now Mary Gardner, left the Creek Nation soon after the making of the Dunn Roll, to avoid a marriage with one Sonny Grayson, to whom the mother of the applicant had espoused her, and did not again return to the Creek Nation till recent years.

Affiants further say that they and each of them have frequently met the said Mary Marshall, now Gardner, since her return, and that they are positive that the applicant is their niece; that besides the appearance of her face and features being plainly recognizable, there are certain marks of identification that make her identification certain beyond a possibility of a mistake.

Affiants further says that the applicant was placed on the Dunn Roll as Mary Marshall, and that they are confident that a careful search of this roll will disclose the fact; that they have been informed that an effort has been made to place the said Mary Gardner on the Approved Roll as a citizen by blood, or as a slave of a different family from that of the Marshall family to whom she unquestionably belonged; that they were not informed of this mistake till too late to correct before the decision of the Commission had been reached; that they are further informed by letter of July 11 by the Commission that a decision had been reached by the Commission denying her claim.

Affiants further say that by reason of injuries received by the said Mary Gardner she is a non compos mentis, and irresponsible, and it is principally for that reason that affiants make this affidavit to correct the error that has been made, and to assist her if possible to obtain her just rights.

Witnesses:-

E. J. Dickens

Sam W. Capps

Simon Barnett
William Barnett

Subscribed and sworn to before me this
28th day of August, A.D. 1906.

Archibald H. Jones

Copy

In Re, the Application of Mary Gardner, nee Marshall,
For Enrollment As a Creek Freedmen Heir.

United States Of America,

Indian Territory,

Western District.

SS.

Copy

Before me, a Notary Public in and for the Western District, Indian Territory, duly commissioned and acting as such, this day personally appeared Simon Barnett and William Barnett, who being by me first duly sworn, on oath depose and say: That they are each well acquainted with the applicant, Mary Gardner, having known her from childhood; that the said Mary Marshall is the daughter of Chassey Marshall, a slave of Tom Marshall (Indian), and a sister of these affiants; that

the said Mary Gardner was about fifteen years old at the time of the making of the Dunn roll in the year 1867, and that she was placed on that roll as a member of the Arkansas Colored Town and afterwards transferred to the North Fork roll; that the said Simon Barnett drew the twenty-nine dollar payment and the fourteen dollars and forty cents payment for the said Mary Marshall (now Gardner); that the said

Mary Marshall, now Mary Gardner, left the Creek Nation soon after the making of the Dunn Roll, to avoid a marriage with one Sonny Grayson, to whom the mother of the applicant had espoused her, and did not again return to make her home in the Creek Nation till recent years.

Affiants further say that they and each of them have frequently met the said Mary Marshall, now Gardner, since her return, and that they are positive that the applicant is their niece; that besides the appearance of her face and features being plain, recognizable, there are certain marks of identification that make her identification certain beyond a possibility of a mistake.

Affiants further say that the applicant was placed on the Dunn Roll as Mary Marshall, and that they are confident that a careful search of this roll will disclose the fact; that they have been informed that an effort has been made to place the said Mary Gardner on the Approved Roll as a citizen by blood, or as a slave of a different family from that of the Marshall family to whom she unquestionably belonged; that they were not informed of this mistake till too late to perfect before the decision of the Commission had been reached; that they are further informed by letter of July 11 by the Commission that a decision had been reached by the Commission denying her claim.

Affiants further say that by reason of injuries received by the said Mary Gardner she is non compos mentis and irresponsible, and it is principally for that reason that affiants make this affidavit to correct the error that has been made, and to assist her if possible to obtain her just rights.

Witness:-

Subscribed and sworn to before me this
28th day of August, A.D. 1909.

In Re the Application
of Mary Gardner
for Re-opening
Affidavit -
J. Cooper

COMMISSIONER TO THE COURT.			
No.	Received	INDEXED	
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Cynthia Culp
Att. for Applicant

CR

EN 942

CR EN 942

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T. JUNE 22, 1905.

In the matter of the ^{alleged} application for the enrollment of
Amy and Watson Franklin, deceased, as Creek Freedmen.

Appearances: W.B. Moore, : Attorney for applicant.

Richard Franklin, being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A W.B. Moore. *Richard Franklin*
Q How old are you? A Some way about 47 or 48.
Q What is your post office address? A Ridge.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Do you know Watson and Amy Franklin? A Yes sir.
Q Are they related to you? A Yes sir.
Q Are those people living? A No sir.
Q Do you claim that you made application for their enrollment
before the Commission? A Yes sir I had them made out before a
Notary Public and brought them before the Commission. (Referring
to the affidavits).
Q You say you had these affidavits made out before a Notary
Public? A Yes sir.
Q And you brought them before the Commission? A Yes sir.
Q When did you bring them before the Commission? A If I aint
mistaken-- it is written on there isn't it?
Q I want to know when you brought them before the Commission?
A In '91.
Q There was no Commission then, the Commission wasn't created
then. A It was in '99, what I am I think about.
Q In the year '99 you brought them before the Commission?
A Yes sir in the year of '99 or 1900, I just can't exactly remem-
ber now.
Q Where was the Commission located at that time? A They were
down stairs.
Q In this building? A It seems to me it was in this building.
Q What did you do with the affidavits when you brought them in?
A I handed them to the gentlemen in charge, he looked at them and
handed them back to me and told me that he couldn't do anything
for me until he heard from the Creek Council.
Q And he handed them back to you? A Yes sir.
Q Did you -- do you know who that man was? A I don't know his
name.
Q Would you know him if you was to see him? A I think I would.
Q Is he a tall man or a little man? A Well, he was kind of a
tall man. I would know him if I was to see him.
Q Can you give me a clear description of him, was he a stout man
or a small man? A Why seems to me he was about the size of that
man over there (pointing to E.C. Grissel, an employee of the Commis-
sion), he was a very handsome fellow, (Person pointed out appears
to be about six feet tall and weighs about 175 pounds.)
Q And you say he handed these affidavits back to you? A Yes sir.

The two affidavits presented by the witness has writing on
the back at the bottom as follows: "Received 6/25/01 E.H."

Q Did you ever try again to make application for these children?

A I tried here this spring. I had put away the affidavits and I didn't want to come in until I had found those. I thought I had lost them, but found them and came in this spring.

Q Well from the time these affidavits were given back to you until this spring you never made another effort did you?

A No sir.

Q Was anyone with you at the time or were you by yourself?

A My wife was with me.

Q What is her name? A Fanny Franklin.

Q Is she living? A Yes sir.

Q Why did the man tell you he wouldn't receive these applications?

A Why because he said he had to hear from the Creek Council first.

The witness and his attorney are notified that the Commission desires the testimony of Ed Hastain.

By Mr. Moore.

Q What was your purpose Franklin in bringing these affidavits before the Commission? A Well they said they couldn't file for the dead unless you had them made out by the Notary Public.

Q Was it your attention to apply for these children when you brought these affidavits? A Yes sir.

Q How long was it before you appeared here before the Commission with your wife to apply for the enrollment of these children?

A It was the year they were talking about the Supplemental Agreement. I don't know I couldn't be positive about it.

Q Can you estimate how many years ago that was whether it was twenty years, five years ago or what? A Somewhere along about three years ago.

These affidavits with the notations referred to are filed and made a part of the record.

-----oOo-----

Ed Hastain, being duly sworn, testified as follows:

Examination by the Commission.

Q State your name, age and post office address? A E. Hastain, age 36 and post office , Muskogee, I.T.

Q Mr. Hastain were you an employee of the Commission during the year 1901? A I was.

Q In the month of June of that year in what Division of the Commission were you employed? A My recollection is that I was in the Creek Enrollment Division.

Q Do you recollect ever having returned to the party bringing these affidavits intended as applications for enrollment as citizens of the Creek Nation, after having marked the affidavits, received and signing them with your initials? A I have not.

Q I have two affidavits here that were presented to me this morning in this case, that were indorsed "Received 6/25/01, E.H.", is that your handwriting? A That looks like my writing.

Q The applicant states that he brought these affidavits before the Commission and presented them to the gentlemen in charge, and these notations were made and handed back to him, and was told that he would have to wait until the Creek Council had acted on the Creek Supplemental Agreement, do you remember any circumstance of this kind having occurred while you were working in the Creek Enrollment Division? A No sir.

Q Can you offer any explanations as to how these notations got on these affidavits other than an employee of the Commission?

A We were receiving these kind of affidavits at that time, and when they were received the notation was made simply to show the date on which the Commission received the affidavits. It appears from this notation here that the Commission received these affidavits on June 25, 1901, but I know of no reason why they should not have remained with the records of the Commission. I have no recollection of ever returning any affidavit that was filed with the Commission.

By Mr. Moore.

Q Do you mean that these affidavits were filed with the Commission or they were presented to be filed with the Commission?

A They were received by the Commission, but they were never marked "filed".

By the Commission:

Q Mr. Hastain do you remember if on June 5, 1901, there was any treaty, agreement or bill in Congress pending affecting the right to enrollment of Creek citizens? A There was then pending at that time the Creek Agreement which had been ratified only a month prior to this date by the Creek Council.

By Mr. Moore.

Q How many affidavits or applications did you consider on the 15th day of June, Mr. Hastain? A I have no way of---

Q How many did you receive on the 20th day of June? A I have no way of telling except from the records of the Commission.

Q You received a good many at that time, didn't you? I mean they were coming in every day? A They were, yes sir.

Q Then it isn't likely that you have any recollection of anything particular about this paper or this man's application. I have no definite recollection of any particular affidavit. I simply remember what we did with these affidavits.

Q But you do identify the notation made on these affidavits as your writing? A Yes sir, I see that that is my writing.

Q It was for the purpose of showing the date it was received for application? A Yes sir.

Richard Franklin, recalled, testified as follows:

Examination by the Commission.

Q On the day you came before the Commission for the purpose of applying for the enrollment of these children do you recollect the gentlemen to whom you handed these affidavits, do you recollect his appearance? A I recollect his feature.

Q Would you know him if you was to see him today? A I think so.

Q (Referring to Mr. Hastain, who has just testified) Do you recollect this gentleman as the same person you handed the affidavit to? A If it isn't him, it is somebody just like him.

Q Do you think he looks like that man you pointed out this morning? A It seems to me that he resembles him that man, but after I see the two together I see they are quite different.

Lona Merrick

Lona Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 22nd day of June, 1905.

Edw. B. Guiney
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Amy Franklin and Watson Franklin, both deceased, as Creek freedmen.

D E C I S I O N

The record in this case shows that on June 22, 1905, Richard Franklin appeared at this office and submitted testimony in the matter of an application alleged to have been made by him for the enrollment of his deceased children, Amy and Watson Franklin, as Creek freedmen. The affidavits of Richard Franklin and Fannie Franklin, executed on June 18, 1901, the presentment to this office of which by Richard Franklin constitutes the foundation for said alleged application, are attached to and made part of the record herein. On January 12, 1906, the Commissioner to the Five Civilized Tribes rendered his decision in said matter, holding that the action of Richard Franklin in presenting said affidavits constituted an application for the enrollment of said Amy Franklin and Watson Franklin, both deceased, as Creek freedmen, and ordered that the case be heard and adjudicated on its merits.

In accordance therewith this office on January 16, 1906, addressed a letter to Richard Franklin at Ridge, Indian Territory, advising him of said action and informing him that he would be allowed to appear and submit what testimony he desired to offer in said cause. A similar letter was written on the same date to the Attorney for the Creek Nation and on January 5, 1907 another letter was addressed to Richard Franklin at Ridge, I. T., informing him that he would be allowed ten days within which to introduce such evidence as he desired to offer in said cause. Copies of each of said letters are attached to and made part of the record herein.

A careful examination of the records in the possession of this office shows that none of said letters have been returned to this office, which fact raises a very strong presumption that said parties received them, but it does not appear that further evidence has ever been submitted in accordance with the suggestions contained therein.

The evidence and the records in the possession of this

office show that the aforesaid Richard Franklin and Fannie Franklin are the same persons as the Richard Franklin and Fannie Franklin whose names appear on a partial schedule of Creek freedmen approved by the Secretary of the Interior March 13, 1902, opposite Nos. 1562 and 1563 respectively. It further appears from the records in the possession of this office that the names of said persons are found on the 1890 and 1898 authenticated rolls of the Creek Nation in Canadian Colored town, but that the names of Amy and Watson Franklin are not found on either of said rolls or any other authenticated tribal roll of the Creek Nation, or that they have ever been admitted to citizenship in said nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896 (29 Stat. L. 321), or the United States Court in Indian Territory on appeal. There is no evidence to show the age of the said applicants at the time of their alleged death in 1899.

It appearing from the evidence and the records in the possession of this office that ample time and opportunity has been offered the said Richard Franklin within which to produce further evidence in this matter and that he has failed so to do and it not being established that the applicants herein come within any of the various classes of people entitled to enrollment in the Creek Nation, I am of the opinion that there is no authority of law for the enrollment of said Amy Franklin, deceased, and Watson Franklin, deceased, as Creek freedmen, and the application for their enrollment as such is accordingly denied.

Thomas H. ...

Commissioner.

Muskogee, Indian Territory,

FEB 14 1907

Gr. No. 842.

Muskogee, Indian Territory, February 16, 1907.

Richard Franklin,

Ridge, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your two minor children, Amy and Watson Franklin, both deceased, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the commissioner is informed of the same.

Respectfully,

Register.
IM-27.

Commissioner.

Muskogee, Indian Territory, February 16, 1907.

M. L. Mett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Amy and Watson Franklin, both deceased, as Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

LM- 28.

Commissioner.

Gr. No. 948.

Muskogee, Indian Territory, February 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Amy and Watson Franklin, both deceased, as Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

IM-29.

Through the Commissioner
of Indian Affairs.

Cr. En. 942.

Muskogee, Indian Territory, February 16, 1907.

W. H. Moore,

Attorney at law,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Amy and Watson Franklin, both deceased, as Creek freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

IM-30.

Refer in reply to the following:
Land 17165-1907.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Amy and Watson Franklin as Creek freedmen, including the decision of Commissioner Bixby, dated February 14, 1907, adverse to the applicants.

The decision of Commissioner Bixby has been examined, is found to be correct and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

BBM-LC

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
S.P.

I.T.D.

6210, 6606, 6616, 6686, 6728-1907.
6744, 6748, 6750, 6752, 6758- "
6784, 6802, 6804, 6810, 6834- "
6846, 6876, 7014- "

March 2, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship
cases adverse to the applicants are hereby affirmed.

Copies of Indian Office letters submitting your reports
and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Isaacrel Grayson (freedman)	February 18, 1907.
Ema Grayson (freedman)	February 7, 1907.
Eva Bruner (freedman)	February 13, 1907.
Oliver Elliott	February 16, 1907.
Florence M. Coker	February 16, 1907.
Johnny Potter (freedman)	February 16, 1907.
William H. Hardridge (deceased)	February 16, 1907.
Theodore Hawkins (freedman)	February 16, 1907.
Amey Franklin, et al. (freedman, deceased)	February 16, 1907.
Jennie Myers (freedman)	February 13, 1907.
Alfred Mayfield (deceased)	February 14, 1907.
Alice McCosley (freedman)	February 15, 1907.
Bettie Scott (freedman, deceased)	February 14, 1907.
Lurie McKimmon	February 14, 1907.
Washington McIntosh (freedman, deceased)	February 23, 1907.
Roman Johnson, et al.	February 23, 1907.
Spencer Thomas et al. (freedmen)	February 23, 1907.
Number Lowe (deceased)	February 23, 1907.

A copy herewith and the papers in the above mentioned
cases have been sent to the Indian Office for its files.

Respectfully,

18 inc. and
36 to Ind. Of.
AFMc
5-4-07.

(Signed) Jesse E. Wilson,

Assistant Secretary.

Ct. Ex. #942

Amy Franklin
Watson "

Amy & Watson Franklin

Cr. En. 948.

Muskegee, Indian Territory, March 16, 1907.

Richard Franklin,

Ridge, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of your two minor children Amy and Watson Franklin, both deceased, as Creek freedmen.

Respectfully,

Commissioner.

CR EN 943

CR EN 943

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, June 29, 1905.

In the matter of the right to enrollment of Ed London as a Creek Freedman.

Ed London, being duly sworn, testified as follows:

BY COMMISSION.

Q What is your name? Ed London.
Q How old are you? A Seventy nine.
Q What is your postoffice address? A Muskogee.
Q How long have you lived in the Creek Nation? A I was raised here.
Q You were born in the Creek Nation? A Yes, sir.
Q What is the name of your mother? A Mary London.
Q Was she ever called by any other name? A After the war she was called Mary Marshall.
Q Were you a slave? A Yes, sir, I was one.
Q Who was your owner? A William Marshall and William Crabtree.

Witness is identified as Ed London whose name appears on old Creek census card No. 810.

Q Have you any brothers or sisters who are enrolled as citizens of the Creek Nation. A A brother.
Q What is his name? A Elijah London.
Q Any sisters? A Angie
Q Were you here in the Creek Nation right after the war? A Yes, sir I came after the war.
Q Where were you during the war? A In Texas
Q How long after the war before you came here? A Quite long.
Q Were you here when Major Dunn was making a roll? A Just after that
Q Were you here at the time he was making the roll? A No, sir.
Q Does your name appear on any of the Creek Tribal Rolls? A If any one went to put it on my mother must have put it on. I didn't know anything about it.
Q Did you draw any money from the Creek Nation? A I never drew any money but at the time they made the last property claim.
Q You didn't get the \$29.00 payment? A No, sir.
Q Did you draw the \$24.00 payment? A No, sir.
Q What Creek town did your mother belong to? A Arkansas.
Q What did you say your sister's name was? A This one here?
Q Yes. A. Angie
Q Was she ever called by any other name? A Yes, Moody.
Q You say your mother's name was Mary and you have a brother named Elijah? A Yes, sir.
Q Had you any other brothers or sisters? A Yes, two.
Q What is their names? A Frances and Hester
Q Do you know anybody by the name of Kinney Marshall? A Yes
Q How old is she? A About thirty or forty.
Q Was she living in your mother's family right after the war? A Yes, sir.
Q Do you know any one named Catharine Marshall? Yes, my sister.
Q Is she living? A Yes, sir in Kansas.
Q Has she been enrolled as a Creek citizen? A Yes, sir.
Q Have you any other sister. A No, sir.
Q Do you know Nasy Marshall? A Yes, my sister but she is dead

The roll of Creek Freedmen made by J.W. Dunn, prior to March 14, 1867 examined and family No. 94 Arkansas town appear the following names:

- 878 Mary Marshall
- 879 Esther Marshall
- 880 Elijah Marshall
- 881 Basy Marshall
- 882 Catharine Marshall
- 883 Kinney Marshall

No other names appear in that family.

- Q Do you know any one named William Marshall? A Yes, sir.
- Q Who is he? A He is a colored man.
- Q Is he a relative of yours? A No, sir, only I know him. I grew up with him.
- Q Do you know Jennie Marshall? A She's William's wife.
- Q Is she related to you? A No, sir.
- Q Were they slaves of the same man you were? William was but his wife was an Indian woman.
- Q Do you know Budkin Marshall? A Yes, he's William's son.
- Q Do you know Minerva Marshall? A No, sir.
- Q Do you know Jemima Marshall? A No, sir.
- Q Have William and Jennie any other son you know of? A I don't know.
- Q Were you raised up part of your time in that family? I used to go there but I never was in the family.
- Q Where did you get the name London? A After the slaves were free I went by my mother's name.
- Q Was your father living at the time of the war? A Yes, sir. He died while the war was going on.
- Q Did he live until the war closed? A No he died before the war closed.
- Q When did they first begin to call you Marshall? They first started that--after I was free I was London.
- Q What did they call you, Ed London? A Yes, sir.
- Q Right after the war what did they call you? A They called me Marshall.
- Q Did they call you Ed Marshall? A Yes, sir.
- Q Did they ever call you any other name? A No, sir.
- Q Is Angeline Moody all here today? A Yes, sir.

Angeline Moody, being duly sworn, testified as follows:

BY COMMISSION.

- Q What is your name? A Angeline Moody.
- Q How old are you? A I am about fiftynine years, I guess.
- Q What is your post office address? A Muskogee.

Witness is identified as Angeline Moody on Creek Freedmen card No. 959 and her name is down in the tribal list of Creek Freedmen, approved by the Secretary of the Interior March 28, 1902, roll No. 3483

- Q What was your name before it was Moody? A Marshall before I was married.
- Q Do you know Ed London who testified here? A Yes, sir.
- Q What was your father's name? A London
- Q London what? A London Barnett
- Q Was he ever called London Marshall? A No, sir.
- Q Was he a slave of the same man you were? A No, sir. He was the slave of Annie Barnett's father Albert McCalley

Q When did he die? A In time of the war.
Q You say you are a sister of Ed London? A Yes, sir.
Q Tell me all the names he was ever called by? A Called by Ed Marshall and Ed London, I guess.
Q Did you ever have any brother, or child or other relative named London Marshall? A Yes I had a cousin.
Q Is he enrolled? A He got killed during the war, one of them did, that's all I know about it.
Q Where was Ed during the war? A I think he was South during the war.
Q How big a girl were you when they made the Dunn payment?
A I was fifteen when the war closed.
Q You were nineteen or twenty when they made the Dunn payment?
A Yes, sir.
Q Were you living in your mother's family at the time of the Dunn payment? A Yes, sir.
Q Ed wasn't here then was he? A No, sir.
Q He hadn't come back? A No, sir.
Q Was this old man who has just been in here, your brother Ed London? A Yes, sir.
Q Do you know William and Jennie Marshall? A Yes, sir.
Q Have they a boy named Ed? A No, sir.
Q Did they ever have a boy of that name? A No, sir. They have a boy named Budkin.
Q Did they ever have one named Ed? A Not that I know of.
Q Is William living? A Yes, sir.
Q How old is he? A I couldn't tell you. He was a man when I came to my recollection.
Q Is he a relative of yours? A No, sir. We all belonged to one people.
Q Did your family and his ever live together after the war?
A No, sir, never lived together after the war.
Q Are you sure that your father died during the war? A Yes, he died up at Neesha during the war.
Q Did you have your name on the Dunn roll yourself? A No, sir.
A No, sir, my mother did.
Q Tell me the names of all your brothers and sisters that were living at the time of the Dunn payment? A Winnie, Esther, Frances, Catharine, Easy and Elijah.
Q Did you ever have any other brothers? A Simon.
Q Did you ever call Simon any other name? A No, sir. London Marshall.
Q London Marshall was put on the roll with you? A Yes, sir, must have been my cousin.
Q You had a cousin by that name? A Yes, sir.

The name of the witness Angelina Marshall appears on the Dunn roll No. 884, family No. 95 and name of London Marshall appears in the same family and no other names appear in the same family.

Q Do you know if your mother tried to have Ed's name put on the Dunn roll? A I don't know whether she did or not. She did these things.

Elijah London, being duly sworn, testified as follows:

Q What is your name? A Elijah London.
Q How old are you? A I don't know.
Q What is your post office address? A Clarksville.

Witness is identified as Elijah London on Greek Freedman card, filed No. 516 and his name is down on a partial list of Greek Freedmen approved by the Secretary of the Interior March 13, 1902, roll No. 1379.

Q Do you know this old man Ed London? A Yes, sir.
 Q Is he related to you? A Yes, sir, brother.
 Q How old were you at the time the Dunn payment was made? A I don't know just how old I was, I can remember, but I don't know how old I was.
 Q Were you a small boy or a young man? A I was a good sized boy.
 Q Where was Ed when the Dunn payment was made? A In Texas I guess. He wasn't here.
 Q Is your mother Mary Marshall living? A No, sir, dead.
 Q Who is the oldest one of your family living? A Ed and Haster.
 Q Where does Haster live? A Across the river, on you side of the river.
 Q What were the names of your brothers and sisters that were living at the time the Dunn payment was made? A I was the only one living at the time. I have some brothers in Kansas that never were here since peace was declared.
 Q Did their name get on the Dunn roll? A No, sir.
 Q Did you ever call Ed by any other name than Ed Marshall and Ed London? A Not that I know of.
 Q Do you know of any one living at the time the Dunn payment was made named London Marshall? A No, sir.
 Q Did you have a cousin by that name? A London Marshall? --I had a cousin named London but I don't know as his name was on the roll, because he got killed during the war.
 Q Are you sure he was killed during the war? A Yes, sir, I am sure.
 Q Do you know the family of William and Jennie Marshall? A I know William.
 Q Do you know his boy Budkin? A Yes, sir.
 Q Has he a child named Minervia? A I don't know his younger children.
 Q Living at the time of the Dunn payment? A I don't know at that time he staid on one side of the river and I on the other.
 Q Is he living? A Yes, sir, he lives on you side of the river on the Verdigris.

Ed London is notified that the testimony of William Marshall is desired in this case and that he will be allowed a reasonable time in which to bring him in.

I, Anna Garrigue, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said day.

Anna Garrigue

Subscribed and sworn to before me this 29th day of June, 1905

Edw. L. S. S. S.
 Notary Public.

WW

En.943

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, August 9, 1905.

In the matter of the application for the enrollment of
Ed London as a Creek freedman.

William McIntosh being duly sworn testified as follows:

By Commissioner.

Q What is your name? A William McIntosh.
Q What is your age? A 67
Q What is your post office Address? A Ridge.
Q Do you know Ed London the applicant in this case? A Yes, sir.
Q What was the name of his mother? A I knew her by I can't
remember her name.
Q Do you know Mary Marshall? A Oh yes that is the mother.
Q Do you know Easter Marshall? A Yes, sir.
Q Eliza? A Yes, sir
Q Easy? A Yes, sir
Q Catharine? A Yes, sir
Q Kinny Marshall? A Yes, sir.
Q Are those his brothers and sisters? A Yes, sir.
Q Do you know William Marshall? A Yes, sir.
Q What relation? A I don't know as any but belonged to same man.
Q Jennie Marshall do you know her? A Yes, sir
Q Is she a member of William's family? A Yes, sir
Q Do you know Minerva Marshall? A Yes, sir
Q Did William Marshall have any one in his family named Ed
Marshall? A He has got a good many children and I can't exactly
know all his children but I know him well because we were boys
together.
Q Did William Marshall have a boy named Ed at about the time
the Dunn roll was made? A Yes, sir
Q Did he have a daughter named Jemima ? A I know Jemima
Q Did she live in William's family? A They all lived in same
family.
Q Was Ed London in the Creek Nation in the Civil War? A He went
before the war I think.
Q Was he a slave when he went away? A A Yes, a slave.
Q Did he come back after peace was declared? A Just after.
Q How long after? A About a year or two as near as I can think
Q Was he in the Creek Nation at the time the Dunn payment
was made? A That was \$17.34 he wasn't here
Q How long after that before he came back? A I think as much as
a year after that.
Q Has Ed London lived in the Creek Nation ever since that time?
A Yes, he has been around working in the towns.
Q Why did he never try to get his name on the pay roll?
A He was just trifling and didn't try.
Q You have know him abot all his life? A Yes when I came to
my recollection we played together. We didn't live more than
two hundred yards apart.
Q You are sure his mothers name was Mary Marshall? A Yes, sir
I knew his mother and father and grandmother and grandfather.

Anna Garrigues states on oath that the above and foregoing is a
true and correct copy of her stenographic notes taken in said
cause on said date.

Subscribed and sworn to before me this 9th day of August 1905.

Anna Garrigues
J. C. [Signature]
Notary Public.

En. 943.

J. D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ed London as a Creek Freedman.

SUPPLEMENTAL STATEMENT.

Roll of Creek Freedmen made by J.W. Dunn prior to March 14, 1867, examined and the applicant herein is not identified on said roll.

Tribal rolls of the Creek Nation in the possession of this office examined and the applicant herein is not identified on any of said rolls, nor is his mother identified on any of said rolls.

Record of the proceedings of the Colbert Commission examined and it does not appear that application was made to said Commission for the admission of the applicant herein to citizenship in the Creek Nation.

Record of the proceedings of the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896, examined and it does not appear that application was made to said Commission for the admission of the applicant herein to citizenship in the Creek Nation.

Muskogee, Indian Territory,

August 14, 1905.

W. O. Beale
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ed London as a Creek Freedman.

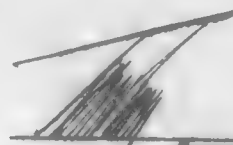
D E C I S I O N.

The record in this case shows that the name of Ed London appears on old Creek Census Card No. 810. This card was prepared prior to September 1, 1904, and is considered as an application for the enrollment of said Ed London as a Creek Freedman. Further proceedings were had June 29, August 9, and August 14, 1905.

The evidence shows that said Ed London was 79 years old at the date of the last proceedings herein, and that he is not identified on the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867.

The evidence further shows that the applicant herein has never been enrolled as a citizen of the Creek Nation, nor has he ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Ed London as a Creek Freedman, and the application for his enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

OCT 12 1905

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE INDIAN TERRITORY

JUNE 18, 1906.

IN THE MATTER of the right to enrollment of Ed London
as a Creek Freedman.

APPEARANCES: Irwin Donovan, of the firm of Donovan & Griesel
Attorneys at Law, Muskogee, Indian Territory, appear-
ed on behalf of the applicant.

ED LONDON, being duly sworn testified as follows:

BY THE COMMISSIONER:

Q What is your name? A Ed London.
Q How old are you, Ed? A I am 79.
Q What is your postoffice address? A Right here.
Q Muskogee? A Yes sir.
Q Do you claim to be a Creek Freedman? A Yes sir.

BY MR. DONOVAN:

Q Ed, what was your name before the war--Who was your master
before the war? A Old Ben Marshall raised me.
Q What was your name before the war? A Before the war?
Q Yes? A Well my name was Ed.
Q What was your mother's name? A Mary.
Q Mary what? A Mary Marshall.
Q What was your full name before the war? A They called me Ed.
Q Ed what? A Ed London.
Q Did they ever call you anything besides Ed London? A No sir,
nothing but Ed.
Q Did they ever call you after your Master? A Sometimes they
called me that, and sometimes they didn't.
Q Now what was that name? A Ed Marshall.
Q What was your father's name? A London.
Q Who was your father's owner? A Belonged to a widow woman
called Annie Barnett. Widow woman.
Q And he was sometimes called Barnett?

THE COMMISSIONER: That is suggesting.

MR. DONOVAN:

Q Was London Barnett his name? A No sir, just called him
that after his master.

- Q What was your father's name? A George London. They called him London. They sometimes called him George London.
- Q What did you say your mother's name was? A Mary Marshall.
- Q Was she ever called by any other name? A No sir, they called her after her old man's name.
- Q What did they call her? A Mary London, and she went back to her man's name.

BY THE COMMISSIONER:

- Q Who was your mother's owner? A Old Marshall.
- Q What was your mother's name while she was Marshall's slave? A Mary.
- Q Did they just call her one name or was she called two names? A Just Mary, and then after the thing changed up----
- Q What was she called when they changed the names up? A Called her Mary all the time. And then after the things changed then she went by my Pa's name.
- Q What was your master's name? A Old Marshall.
- Q What was your father's name? A London.
- Q Mary went by her master's name---what was the name? A Her name?
- Q She was Mary Marshall, then when was she called by your father's name? A Mary London.
- Q Ed what did they call you just after the war? A Called me Ed, and then after called me London now and then. Put two names on me.
- Q You were the child of this Mary, sometimes called London and sometimes called Marshall? A Yes sir.
- Q Did you ever go by the name of your master? A Never went by the name of my master at all.
- Q Did any one ever call you by the name of your master? A Yes sir, a few did call me, but I don't answer by it. I went by my Pa's name.
- Q State what that name was? A Ed London.
- Q Was Ed London your Pa's name or your name? A Ed is my name, and the London is my Pa's name.
- Q Did your mother know what your name was? A Yes sir.
- Q Did she know that you were called by your Pa's name? A Yes sir, I reckon she did.

BY MR. DONOVAN: The applicant's mother, Mary Marshall or Mary London, is dead. We expect to prove by witnesses other than the applicant himself-----

BY THE COMMISSIONER: Objection. The statement being made now by attorney for the applicant would appear to have already been stated in the motion for rehearing filed in this matter.

BY MR. DONOVAN:

- Q Ed, were you on good terms with your mother all the time?
A Yes sir.
Q Was there any reason that you know of why she should have neglected you or have omitted to put your name on the roll? A No sir.
Q Did you know any body named London Marshall? A No sir.
Q Did you know any body at any time called London Marshall?
A No sir, I can't recollect anything about that.
Q Did you have any brothers or sisters named London Marshall?
A No sir.
Q Did you have any relative at all named London Marshall?
A No sir; I know them all; none of them called London Marshall.

BY THE COMMISSIONER:

- Q Have you a relative by the name of Angeline Moody? A Yes sir, that is my sister.
Q Is that your sister? A Yes sir.
Q Do you remember of having a cousin by the name of London Marshall who died sometime during the war? A Well that must have been the one that got killed in the war.
Q Did you ever have a cousin by the name of London Marshall?
A Yes, I recollect him.
Q Did you ever see him? A Oh, yes, before the war.
Q Before the war? A Yes sir.
Q Were you acquainted with him? A Yes sir, he was my cousin.
Q Were you brought up together? A Yes sir. His father was my uncle and my father was his uncle. Two first cousins.
Q Cousins? A Yes sir.
Q Where did he---how long before the war did he live in the Indian Territory? A Who?---
Q This man I am speaking about, London Marshall?
A Well he left, this London Marshall, just after the war.--- Just before the war started.
Q What did he go away for? A He was taken away.
Q How long before he went away were you acquainted with him?
Q How many years did you know him? A I can't tell you anything about that; I knowed him a long time.
Q Was he a grown man? A Yes sir.
Q When did you hear that he died? How many years ago did you first hear that he was dead? A I can't tell you about that. I can't keep recollection that way at all.
Q How many years was it after the war that you first heard London Marshall was dead? A It wasn't very long; I can't state exactly the time.
Q How did you hear it? A The news come he was dead.
Q How did the news come? A Some man told them; I can't tell you who. I can't tell you who told them. No sir, I can't tell you anything about that at all.
Q Where did you live during the war? A I was in this country.
Q Were you in the Creek Nation during the war? A Yes sir.

- Q On June 29, 1905, you testified in answer to the question "Where were you during the war?" You stated "In Texas".
- A In Texas, yes sir. I came to the Chectaw in that time that I told you. I had been in Texas, but I never staid in Texas all through the war.
- Q How long after the war did you come to the Territory?
- A What, here?
- Q Indian Territory? A Well I come here, I can't tell you. We been here right smart while.
- Q Do you know how many years after the war it was when you came to the Indian Territory? A No sir, I can't tell you; been a long time.
- Q Do you remember the time of the Dunn Payment? A Dunn payment about two years before I got here.
- Q How many years after the Dunn Payment when you came to the Indian Territory? A Good while. Can't tell you nothing about that, Mister, any how. I don't want to tell you a lie.
- Q Do you remember of their telling you about the Dunn Payment when you got here? A Yes sir.
- Q What did they say as to when that payment---how long before you came? A Well I can't tell you nothing about that.
- Q You can't tell anything about it? A No sir, can't keep it in my head, that time. I was here all the time before that payment. Was living right down there all through--that payment.
- Q What did the people call you when they talked to you?
- A Ed London.
- Q What did they call your name when you was a youngman?
- A They called me Ed. They called me Ed.
- Q What else did they call you? A That's all.
- Q Just Ed? A Yes sir.
- Q How long did you go by the name of Ed? A Until I got back here.
- Q You was called Ed until you came back here; what was that you said? A Went by that name all the time; and then after I got back to my father I went by my father's name.
- Q What do you mean to say, that when you got back here you went by your father's name? Where did you come from?
- A Come from where I was. You asked me, that is where I was during the war.
- Q How old were you Ed, when they stopped calling you Ed and went to calling you by some other name? A Can't tell you that.
- Q Were you simply called Ed when you were in Texas? A Yes sir.
- Q Went by no other name? A No sir, no other name but Ed.
- Q When did they begin calling you something else? A Called me something else after I got back here?
- Q What did they call you back here? A Ed London.
- Q Were you generally known; did almost every body that you met know you as Ed London? A Yes sir; do that until today.
- Q And they use that name until today? A Yes sir; I am telling the truth as near as I can come at it.

BY MR. DONOVAN:

- Q Ed, before the war when you were a slave and you happened to be in a crowd where there were several other people, what name did they call you? A They called me same name.
- Q If they wanted to shew that they meant you and not some other Ed, what did they say? A Called me Ed London.
- Q Was that before the war while you were a slave? A While I was a slave they called me Ed Marshall, then.

(Witness dismissed).

ANGELINE MOODY, being duly sworn testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Angeline Moody.
- Q How old are you Angeline? A I reckon I am about 60 years old.
- Q Where do you live? A Right here in this town.
- Q Got your mail here? A Yes sir.
- Q Are you related to Ed London, the witness who preceded you on the stand? A Yes sir.
- Q What relation is he to you? A He is my brother.
- Q Your brother? A Yes sir.
- Q Are you a duly enrolled citizen of the Creek Nation? A Yes sir.
- Q On the rolls, are you? A Yes sir.
- Q Got your deed? A Yes sir.
- Q Have you and your brother lived in the same locality for the most of your lives? A Yes sir.
- A Are you speaking about before the war?
- Q Yes? A Ever since he come back.
- Q Did you live with him in the same house and in the same neighborhood before the war? A Yes sir.
- Q You recognized him as your brother? A I know that is my brother.
- Q You knew that is your brother? A Yes sir.
- Q Did you ever have a cousin by the name of London Marshall?
- A Yes sir.
- Q Did your brother and London Marshall go away together before the war? A I don't think they did.
- Q How long before the war did your brother leave the Territory?
- A I can't tell you. I don't think it was very long.
- Q Was it several years before the war? A I don't think it was. I know he left, but I don't know exactly how long; I know---but I don't know exactly the year. I was 16 years old then.
- Q How long before the war did London Marshall leave?
- A The London Marshall that got killed, you speaking of?
- Q I guess that is the one; only cousin of yours named London Marshall wasn't he? A Yes sir.

- Q How long did he leave before the war? A Got killed.
Q Killed in the Territory? A Right over here at Fort Gibson.
Q Was your brother living in the Territory before the war?
A I can't tell you; I believe he was when the war was making.
Q Was he carried away? A I think he was.
Q Carried away as a slave? A Yes sir.
Q You say that London Marshall, your cousin, was killed during the war? A Yes sir.
Q Was it a year or two after the war started, or when was it?
A A year after, I reckon. I don't know exactly; I know the day he got killed.
Q Was your brother away from the Territory when London Marshall got killed? A Yes sir.
Q When did your brother come back; how long after the close of the war; close of the fighting? A I don't know exactly how long.
Q Do you remember the Dunn payment? A Yes sir.
Q You remember that? A Yes sir, I remember the Dunn payment.
Q How long after the payment was it that your brother came back to the Territory? A Came back to the Territory? I don't know; I can't say for certain, it might have been two years or two or three years. I know he come back; I don't know how long.
Q Did you draw that money during the Dunn payment? A Yes sir.
Q Were you about twenty years old at that time? A I guess so.
Q You think you were? A Yes sir.
Q You didn't draw it yourself? A No sir, my mother drew it.
Q How how did your name happen to get on the Dunn roll? A My mother enrolled all of us.
Q Your mother did? A Yes sir.
Q Whendid your mother die? A When did she die? A I can't tell you exactly.
Q How long after the war before she died? A I think it was about three or four years after the war. I don't know; I know she died.
Q Was Ed London back here in time to see his mother alive?
A He come just after she died.
Q What name did your brother go by as a young man, before he went away? A Sometimes by Ed London and sometimes by Ed Marshall. Sometimes called him London.
Q Which was he called the most often? A London.
Q Well, was he called Ed? A Called him Ed?
Q Did he go by the name of Ed Marshall? A Sometimes.
Q Most of the time before he went away? A Yes sir; us children called him Ed.
Q Did everybody else call him Ed? A No, they always called him London.
Q When did you first hear him called London Marshall?
A Ed Marshall?
Q Yes? A Why, all of my life.
Q Did you ever hear him called London Marshall, before a few years ago? A Yes sir.
Q Sure of that? A Yes sir.
Q What reasons did they have for calling him London Marshall?
A Because we belonged to a man named Marshall.
Q And there was another Marshall? A Yes sir, there was two.
Q Did your cousin Marshall--was he owned by the same owner as Ed? A By our master's nephew, LuFate Marshall.

BY MR. DONOVAN:

- Q On the Dunn Roll at 878 appears the name of Mary Marshall, who was she? A My mother.
- Q 879 is Esther Marshall, do you know her? A She is my sister.
- Q 880 is Elijah Marshall, do you know him? A Yes sir.
- Q Is he alive today? A Yes sir.
- Q What is his name today? A Life London.
- Q Hashe been enrolled, and under what name? A Life London.
- Q 881 is Easy Marshall, do you know her? A Yes sir.
- Q Is she living? A No sir, dead.
- Q 882 is Catharine Marshall, do you know her? A My sister.
- Q 883 is Kenimy Marshall, who is she? A If it is the one I am thinking about it is my niece.
- Q What was the occupation of your cousin London at the time he was killed? A He was a soldier. He was taking a drove of mules to graze the day he got killed.
- Q Was your brother Ed London on good terms with your mother always? A Yes sir.
- Q Was there any reason why she should not have his name enrolled when she enrolled the others? A No sir, I don't know; she always spoke about it after it was done.

BY THE COMMISSIONER:

- Q You remember when Ed went away, don't you? A Yes sir.
- Q Who carried him away? A Fellow by the name of Crabtree, I think.
- Q Did you hear from him while he was away? A Yes sir.
- Q How did you hear from him, he couldn't write could he?
- A No sir, but people with him could write; people with him told me about him.
- Q What did they say? A Said he was in the Choctaw Nation first they heard of him.
- Q Did you hear from him when he was in Texas? A Yes sir; a man come up from there by the name of Henry Lewis. He was coming then and his wife got sick.
- Q Did you hear while he was away at any time that he had been killed? A No sir.
- Q You never heard that? A I never paid any attention.
- Q Do you or not remember hearing that your brother Ed London was killed while he was away? A I don't know; I might have heard it but I have forgotten.
- Q No one never wrote you? A It may be wrote me and I forgot. I heard of one of my brothers being killed, but I don't think it was Ed. It might have been, I don't know.

BY MR. DONOVAN:

- Q What was your mother's name? A Mary London.
- Q Was she ever called anything but Mary London; sometimes they called her Mary Barnett, didn't they? A I don't know.
- Q What was the name of her master? A Marshall.
- Q State all the names by which your mother was ever called?
- A By her master she was called Mary Marshall, by her husband name was Mary London.
- MR. DONOVAN: That is all.

S. T. Wright, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on June 15, 1906, and that the same is a true and correct transcript of his stenographic notes thereof.

S. T. Wright

Subscribed and sworn to before me this 18th day of June, 1906.

Edward A. Merriox
NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE INDIAN TERRITORY.
JUNE 18, 1906.

Appearances: Donovan ^{Grisel} for applicant.

In the matter of the right to enrollment of
Ed London as a Creek Freedman.

William McIntosh being first duly sworn, testifies as
follows:

- Q: What is your name?
A: My name is William McIntosh.
Q: How old are you William? A: I am about 69 years old.
Q: Where do you live? A: I live on this side of Haskell
about 4 miles.
Q: Your post office address is what? A: Ridge.
Q: What is your purpose in appearing here this morning?
A: Well my purpose is seeing to some of my grand childrens
allotments, that is my main purpose.
Q: Any other purpose now, what are you coming here now to
testify to? A: I am coming here in behalf of a friend
of mine, Ed London.
Q: Are you acquainted with Ed London? A: All my life.
From a boy up, when I was a boy he and him played together.
Q: Did he ever leave the territory or has he always lived here?
A: He has always lived here, a few years before the war his
father shipped him off in Texas and that is the only time
I missed him, the time he stayed down there.
Q: How old was he when he ~~leaved~~ left here?
A: Well I don't know, I think in the neighborhood of 35 or 40.
Q: When he left here for Texas? A: Yes sir.
Q: Was he married when he left here for Texas? A: We had
a wife when he left here.
Q: How long did he stay in Texas do you know? A: I really
don't know, he stayed there until after the civil war
passed.
Q: He came back after the war then? A: Yes sir.
Q: How many years after the war did he come back?
A: That I don't know exactly or remember how long it was, a
while afterwards anyhow, I don't exactly remember.
Q: Well was it three years after the war or one year or five
years after the war, or do you know?
A: Well I don't know exactly I didn't keep account of it
when he did come, but I know it was afterwards when he came
Q: Under what name did he go when he was a young boy?
A: Went by Ed London.
Q: Did you know him as Ed London? A: Yes and I knew his
father both.
Q: What was the name of his father? A: London Marshall.
Q: Was that the name of his father? A: I want to correct
that statement, his father was McKellup.
Q: What do you say you called him when you played with him?
A: Ed London.
Q: Was he ever called anything else before he went away from
here, besides Ed London? A: In the neighborhood, Marshall
had over one hundred head of colored people and in the
Marshall family he was called Ed Marshall.
Q: Are you sure of that? A: I am sure of that.
Q: Have you heard him called Ed Marshall? A: Yes sir.

- Q: By Whom? A: All in that neighborhood called him that but that wasn't exactly his name.
- Q: Do you know that of your own knowledge or has somebody told you? A: I know that of my own knowledge.
- Q: Has anybody coached you lately and told you he used to be called Ed Marshall as well as Ed London? A: No sir nobody can tell me more than I know about that.
- Q: Do you ever know of him being called any other name before he went away? A: Just Ed London and Ed Marshall.
- Q: Do you know of him being called any other name at any other time? A: No sir.
- Q: Did you ever know about a cousin of his by the name of London Marshall? A: I think I do but I am not positive about that, I think I do, but that wasn't in the same neighborhood where he was.
- Q: You think you remember there was such a person? A: Yes sir
- Q: You don't know anything about him do you? A: No sir, I am not acquainted with him, but I heard of such a person in the family, but you see there was different families on the plantation.
- Q: You don't know where he died or if he is dead? A: No sir I don't know anything about that.

Questions By Mr. ^{Dwyer} ~~Driscoll~~, counsel for applicant.

- Q: Were you personally acquainted with London Marshall?
- A: Yes sir.
- Q: Where did he go after the war? A: Down in Texas.
- Q: I am not speaking about Ed London, I am speaking about London Marshall? A: I don't know much about him at all. Ed London as he is called sometimes or Ed Marshall is the only person I know personally, but the other I don't.

Question by Commissioner:

- Q: You were not acquainted with London Marshall? A: No sir.

Questions by Mr. ^{Dwyer} ~~Driscoll~~, counsel for applicant.

- Q: Were you acquainted with people who knew London Marshall and talked to him? A: Yes sir.
- Q: Do you know what became of London Marshall? A: I never did.
- Q: Is he living now? A: I don't know. I just knew Ed London who has left here now he is the only one I know personally
- Q: What was the name of Ed London's mother? A: Mary.
- Q: Do you know who attended to putting the names of Mary and her children on the Dunn Roll? A: Yes I was with them.
- Q: You were with them? A: Yes sir.
- Q: Did Mary have any child named London Marshall? A: Yes sir.
- Q: Where is he what became of him? A: Why he is in town.
- Q: What is he called? A: He is called Ed London.
- Q: She had no other child called London Marshall? A: No sir.
- Mr. Commissioner, I would like to correct one statement when I said I didn't know Ed Marshall, may be this wasn't the one, but I did know Ed Marshall, he was an old man. I did know Edmund Marshall. I did know him but this one I am speaking about is not the London here.

Questions by Commissioner:

- Q: I asked you whether the applicant went by any other name than Ed London or Ed Marshall, you said no. A: Yes sir
- Q: I will ask you that question again, did the applicant in this case go by any other names than Ed London or Ed Marshall
- A: No sir, not any other names to my knowing, what I knew I tell you.

- Q: Was this Ed London or Ed Marshall ever called London Marshall? A: Yes sir.
- Q: When? A: From his boyhood up. He was called Ed Marshall and Ed London.
- Q: Did he go by three names? A: No sir, two names.
- Q: Was he ever called London Marshall? A: Yes sir.
- Q: Didn't you state he went only by two names, Ed London and Ed Marshall? A: London was his father and Marshall was his master, he went by those two names.
- Q: You say that you assisted in getting up the Dunn roll? A: Yes sir.
- Q: When was that gotten up? A: In 1867.
- Q: Who did you assist? A: I belong to the town and I was town king at the time and they got up the roll by towns.
- Q: Were you town king in which Mary Marshall was a member? A: Yes sir.
- Q: Did she come before you? A: Yes, she came before me because Mr. Dunn only advised the enrollment of people in our town.
- Q: She came before you to enroll the members of her family? A: Yes sir, we enrolled them at the boiling spring across the river.
- Q: Do you remember the names of the members of that family that she gave in or did you pay any attention to it? A: I paid pretty close attention, I remember some of them but I can't remember all now, but I can name a good deal of the family.
- Q: You know the names of the members of the family or do you know the names of the family she gave in to you to be enrolled? A: I could call it, but I don't know as I could give it now.
- Q: Didn't you know the London Marshall who was a cousin of this Ed Marshall or Ed London? A: It may be, I said one old man that you called my attention to was named London Marshall, I don't know as to whether he was a cousin or whether he was not a cousin, I don't know.
- Q: It has been testified to previously in this case that Ed London had a cousin by the name of London Marshall, I am asking you about this cousin of the applicant? A: Well I don't know him by cousin.
- Q: I will try to refresh your memory thus far the testimony shows that this London Marshall cousin of the applicant was killed sometime during the war. He was killed over here at Fort Gibson, does that help to refresh your memory? A: Yes sir, it helps to refresh it but I want to say if he did go by the name of London, his name was London and he belonged to Marshall. I knew the man well you speak of that was killed at Fort Gibson.
- Q: You did know that London Marshall? A: Yes sir.
- Q: He has been in the same service, in the government service when the hay was burned at Fort Gibson, he was a hot headed man and rushed in and was shot down.
- Q: He wasn't thrown from a horse in driving horses and mules? A: He was shot off his horse. That was in the war.
- Q: That was during the war? A: Yes, that was during the war.
- Q: Was that during the middle or last of the war? A: That was a little over the middle. I served with Colonel McIntosh in the rebel army two years and in the third year he was killed.

- Q: When this Ed London or Ed Marshall went to Texas how long did he stay in Texas? A: I can't tell you that.
- Q: We went before the war didn't he? A: Yes sir.
- Q: Do you know where he was in Texas? A: No sir.
- Q: Did you know it at any time? A: No sir.
- Q: Did you know he was living? A: I didn't know he was living until he came back here.
- Q: Do you know whether his folks knew whether he was living or not? A: I don't know, I don't think they did because none of them could read or write or nothing.
- Q: Did London Marshall live on the same plantation with you?
- A: We lived just about 300 yards apart, and played night and day together.
- Q: They knew that London Marshall was living at the house prior to the war, didn't they?
- A: Oh yes, I guess they did.
- Q: This London Marshall that was killed at Port Gibson, when did they hear he was killed? A: Well I tell you they heard it a day or a half a day afterwards, we were all in camp when he was killed. Just as soon as the report got in from that fight we knew it.
- Q: Are you sure about that? A: Just as sure as I am of sitting here today.
- Q: Did you ever hear any conversation or anything said by the mother of Ed London, the man who went to Texas in regard to the names of the children she wanted put on the DunnRell? A: No sir, I never heard her say but I can tell what instructions was given. In the treaty of '66 they allowed us a certain time to come in, we sent a fellow to Washington and they went to Washington and consulted the department and the department said every person we know to be a good citizen they should be enrolled and let none be out as a doubtful citizen and all we thought good we enrolled them and a great many went on that way.
- Q: Uncle do you know how old this Ed London was when he went to Texas? A: No sir.
- Q: Was he about 18 years old? A: Oh, he was older than that.
- Q: How much older was he? A: I would judge he was about 35.
- Q: About 35? Did he say he was 35 when he went to Texas?
- A: Well he might have been in that neighborhood, I am only guessing at it.
- Q: Did you know him intimately? And well up to the time he went to Texas? A: Yes sir.
- Q: Do you now swear it is the same man? A: It is the same man, if I never get up from this chair.
- Q: Have you testified previously in this case, before or now?
- A: Before this time, never.
- Q: What sort of looking man is Ed London? A: He is a short, small made man and kind of light like skin, he is not as dark as I am, of course as he gets older he gets darker but he has kind of brown skin colored in his day and he had pretty heavy whiskers and bright, well what I call bright, he was right port, strong, used to be.

- Q: Is that the description of his appearance at the present time? A: Yes, he has got that pretty much, but he is not as bright as he used to be but he is pretty bright yet.
- Q: He is a short dark man with a brown beard is that it?
- A: Yes sir, but he is not as dark as I am. Not very heavy he is a small man.
- Q: You say you recognize this man, this Ed London as the same man you knew before the war, are you sure of that?
- A: I am sure of that.
- Q: He was the son of Mary Marshall is that right? A: Yes sir
- Q: When Mary Marshall put the names of her family on the Dunn Roll or applied to have them put there, do you know whether she intended to put this name of Ed London or the name of London Marshall on the roll, who was killed at Port Gibson. A: I think if any, she intended to put this Ed London on the roll, because this other London might have been a cousin and ~~Marshall~~ Mary was beloved of Ben Marshall. Ben Marshall lived on the point and London Marshall lived up the river. It looks reasonable that she would put her son down instead of her cousin, it was a different man altogether.
- Q: Are there any other persons living now that you know of who knew this Ed London? A: Yes sir, I can get you tomorrow or the next day a man that knew him just as well as I do, and he will testify the same as I do, and he has never been interviewed as I know and the other man is as well acquainted as I am.
- Q: Now here, did this Ed London and Ed Marshall ever go by any other name than Ed London and Ed Marshall?
- A: No sir, not that I know of.
- Q: Did he ever go by the name of London Marshall? A: London Marshall that is all I know of him going by, London Marshall and Marshall and London, just those two names.
- Q: Do you know what names were placed on that Dunn Roll to represent the members of this family? A: To represent the family right now I can't except Mary.
- Q: What other names are on the Dunn Roll except Mary, you were there wasn't you? A: Yes, she didn't cover the ground there wouldn't be any other besides her and the oldest daughter to represent the family.
- Q: What names of the members of the family were put on the Dunn Roll? A: I can't exactly remember that because I don't read and if I was to see it I wouldn't know.
- Q: You don't know what names were put on? A: I don't know without you get the roll and I could have my son read over the names and state from that but I can't read.
- Q: You don't know how many names were put on that roll of members of the family?
- A: No sir, but I would know if they were called over to me because I know the family so well and if they misrepresented any of them I know it.
- Q: Give me ~~the names of~~ some of the names of the members of that family? A: There is this oldest one London.
- Q: Whom do you mean? A: Ed London, he is the oldest of that family.
- Q: Do you think that was put on the roll? If he were away from here at that time and she had no knowledge whether he was living or dead, would it be reasonable to suppose she put his name on the roll?

A: No sir, but I told you some of them was down is they know any of them was alive and away, they had the privilege of putting them on. I don't know whether she had any correspondence with him or not.

Q:

Could Mary Marshall read or write? A: No sir.

Q: Could Ed London read or write? A: No sir, I don't think he could in those days.

There was Master and Francis and Jessie and Katherine as far as I can think of now. There is two more but I can't think of them, there is one named Winnie.

Q: Now when you were making that roll the families were grouped together wasn't they? The names of the members of one family were grouped together? A: Yes sir.

Q: They were right in rotation in one family, they would step up and give the names and the others had to wait until they got through? If Mary Marshall came in there and gave in the names of the members of her family they would all be grouped together? A: Yes sir.

Q: If they were any other kins of theirs, that is cousin, etc. that were entitled to be put on the roll they were placed somewhere else, is that right? A: Yes sir, to my knowledge it is.

Q: Do you know Angeline Marshall? A: Yes sir.

Q: Was she any relation to the Ed Marshall you know? A: Yes sir

Q: A full sister? A: Yes sir.

Q: She wasn't a cousin? A: No sir. She is right here in town now, Angeline is.

Q: How many times has Angeline been married?

A: That is a pretty hard question for me but I know of her being married once, beg your pardon, she has been married twice, she had a man in the service and after that she married another man.

Q: How many children has she had? A: I don't know, one of the boys stayed with me, but I don't know how many she has.

Q: Has she been living near you all her life? A: Well she lived near me all her life except the time she had a man at the Cherokee nation.

Q: Did she have any children by the man she lived with in the Cherokee nation? A: Yes sir.

Q: Do you know the names? A: I only know of Louis.

Q: Did she ever have a child named London Marshall?

A: I don't know, I don't remember.

Q: Do you know how many children she had by the man she had in the Cherokee nation? A: No sir.

Q: Do you know this man's name she was living with?

A: I did know, but I forget it now, I know his name well but I have forgotten it at this time and it will take sometime to come to my recollection.

Q: In the examination of the Dunn Roll shows that the name of Angeline Marshall and London Marshall appear in the same family group together, the names of the other members of the Marshall family, that is brothers and sisters and mother of Angeline appear in another group.

A: That is because she was in the Cherokee nation in the flat rock, she was living on the flat rock and had a Cherokee man for a husband.

Q: Isn't it even possible for her to have a child named London Marshall and have the name placed on the Dunn Roll?

- Q: Yes sir, if she put the name on herself.
H: You say they were grouped together. If she had a child it might have been possible.
Q: She might have had a child and named the child London Marshall, that might have been possible and you not know it
A: Yes sir, she would have to put it on herself.

Examined By Donovan Grisel, Attorney for Applicant.
The record at this point shows that the Angeline Marshall and London Marshall appearing on the Dunn Roll immediately follow the group of Mary Marshall and her entire family. The last number of the Mary Marshall group, 883, and the last number of the Angeline Marshall group being 884.

Counsel for applicant states that he has no further evidence to offer.

Attorney for Applicant requests that a copy of the Commissions decision and report in this matter be forwarded to them as soon as tendered.

I, Julia C. Laval, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Julia C. Laval

Subscribed and sworn to before me
this 19 day of June, 1906.

W. H. Harris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY,
JUNE, 21, 1906.

In the matter of the application for enrollment of
Ed London, as a Creek Freedman.

Appearances: Donovan & Grisel, attorneys for applicant.
Angeline Moody being first duly sworn testifies as follows:

- Q: What is your name? A: Angeline Moody.
Q: How old are you? A: I reckon I am about 60 years old.
Q: What is your post-office address? A: Muskogee.
Q: Have you heretofore appeared as a witness in the matter of the application for enrollment of Ed London? A: Yes sir.
Q: You are a Creek Freedman are you, you have lived in the Creek nation most of your life? A: All my life.
Q: Did you ever live at the Cherokee nation? A: I lived over there at Fort Gibson at the time of the war. About 16 years after the war.
Q: How many times have you been married? A: Twice.
Q: What was the name of your first husband? A: Crow Van.
Q: Were you married to him? A: Yes sir.
Q: Have you lived with any other man than these two that you refer to? A: No sir.
Q: Did you have any children by Cole Van? A: Yes sir, but it died.
Q: What was the name of that child? A: Leonard Van.
Q: Was he ever called by any other name? A: He wasn't old enough to be called by any other name. He only lived a week.
Q: How many children have you had? A: I have had nine.
Q: Nine children? A: Yes sir.
Q: Give me the names of these nine children?
A: Jordon Moody, Jourden Moody, Louis Moody, Sam Moody, Alex Moody, Albert Moody, George Moody, Meyers Moody.
Q: Is that all the children you have had? A: Yes sir, I have had 9 boys.
Q: Then you didn't name this child you named preciously? You had a child by the name you called Van?
A: That was my first child.
Q: Do you remember the time of the Dunn payment? A: Yes, I remember something about it.
Q: Do you know who caused your name to be placed on the Dunn Roll? Or did you yourself? A: No sir, I didn't.
Q: Did you appear before any officer of the Government in 1867 in order to have your name placed on the roll of Creek freedmen? A: No sir.
Q: You did not? A: I don't think I did.
Q: You don't think you did, do you know whether you did or not?
A: How long ago?
Q: That was just after the war? A: My mother and oldest sister attended to that we didn't attend to it.
Q: You have heretofore testified that Ed London was called Ed Marshall, have you not?
A: Yes, he was called Ed Marshall.
Q: Was he ever called any other name? A: Called Ed London and Ed Marshall, that is all I know.
Q: Do you remember when he went away to Texas? A: Yes, I heard from him.

- Q: How did you hear from him? A: There was a man came from where he was and he told us about it.
- Q: Can you swear to that? A: Yes sir.
- Q: What did he tell you about that? A: He said he was there, and was fixing to come and his wife and children got sick and he couldn't come just then.
- Q: How old was he when he went to Texas? A: I couldn't tell you that, I didn't have sense enough to know how old he was.
- Q: Did you recognize him as the same person? A: Yes sir.
- Q: Can you swear that he went by any other name besides Ed London or Ed Marshall? A: No sir, not when he was with us.
- Q: It appears from an examination of the Dunn Roll that your name is there shown in a family group, the only other name in that group being one, London Marshall? A: Yes sir.
- Q: Do you know who that London Marshall is on the roll referred to? A: I know it was for my brother.
- Q: Couldn't it also have referred to your cousin, London Marshall? A: We had a cousin named London, but I don't think he had a right to be put there.
- Q: Do you know when your cousin, London Marshall was killed? A: Yes sir, he was killed when the soldiers were at Fort Gibson. I don't know the time.
- Q: When did you hear about it? A: The same day I was right there. I was at Fort Raleigh.

Counsel for Applicant states that said witness was brought here at the request of the Commission.

Commissioner asks Counsel for applicant: Mr. Donovan do you consider the case closed now, unless the commission should see fit to require further evidence? A: I do.

I, Julia C. Laval, on my oath state, that the above and foregoing, is a true and correct transcript of my stenographic notes taken in said cause on said date.

Julia C. Laval

Subscribed and sworn to before me
this 21 day of June, 1906.

H. G. Haines

Notary Public.

En. 943.

C. D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ed London as a Creek Freedman.

SUPPLEMENTAL STATEMENT.

Roll of Creek Freedmen made by J.W. Dunn prior to March 14,
1867, examined and the applicant herein is not identified on said
roll.

Tribal rolls of the Creek Nation in the possession of this
office examined and the applicant herein is not identified on any of
said rolls, nor is his mother identified on any of said rolls.

Record of the proceedings of the Colbert Commission exam-
ined and it does not appear that application was made to said Commis-
sion for the admission of the applicant herein to citizenship in the
Creek Nation.

Record of the proceedings of the Commission to the Five
Civilized Tribes under the provisions of the act of Congress of
June 10, 1896, examined and it does not appear that application was
made to said Commission for the admission of the applicant herein
to citizenship in the Creek Nation.

Muskogee, Indian Territory,

August 14, 1905.

L. W. Beall
Acting Commissioner.

Ca. Ex. 943

In The Matter of the APPLICATION for the ENROLLMENT of
ED LONDON AS a CREEK FREEDMAN.

MOTION FOR REVIEW

Comes now ED LONDON by his Attorney IRWIN DONOVAN, and moves
the Honorable Secretary of the Interior for a Review of Departmental
Decision of January ____ 1907 in the matter of his application for en-
rollment as a Creek Freedman for the reasons,

(1) That said decision is against the preponderance of the
evidence.

(2) That it appears from the decision of the Commissioner To
The Five Civilized Tribes, upon which the Departmental Decision is based
that said Commissioner failed to consider any of the testimony favor-
able to the applicant and that he reviewed only such testimony as failed
to bear out the applicant's contention.

(3) That there is no testimony in the case adverse to the
applicant and that even if all the inferences drawn by the Commis-
sioner To the Five Civilized Tribes and the Commissioner of Indian Affairs
in their reports were true, yet none of said inferences tend in the
slightest degree to discredit the claims of the applicant.

(4) That the testimony commented upon by the Commissioner To
the Five Civilized Tribes and the Commissioner of Indian Affairs,
proves only that all of the testimony of the case was not material to
the applicant's claim, while it does not prove that any of the testimony
offered was adverse to his claim.

(5) Because the only material evidence in the case is without
contradiction, either direct or inferential, and shows conclusively that
Ed London is the same person as LONDON MARSHALL whose name appears up-
on the DIME ROLL.

ATTORNEY FOR APPLICANT.

Indian Territory,
Western District, SS:- I, Edward C. Griesel, Being duly sworn, on
oath state that I served the above motion by mailing a copy by regis-
tered mail, to M.L. Mett, Attorney for the Creek Nation, on this 28th
day of February, 1907, and that the registry receipt hereto attached is
the registry receipt for the same.

Copy

DEPARTMENT OF THE INTERIOR,
Commissioner of the General Land Office

RECEIVED

FEB 28 1907

✓
Or En 943

Muskogee, Indian Territory, October 14, 1906.

Ed London,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this Office is informed of the same.

Respectfully,

Commissioner.

JYM-14-1

OF IN 945

Muskogee, Indian Territory, October 14, 1908.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Ed London as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this Office is informed of the same.

Respectfully,

Commissioner.

JYM-14-2

Muskogee, Indian Territory, October 14, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Ed London as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes dated October 12, 1905.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

JH-14-5

#943 ✓

DEPARTMENT OF THE INTERIOR,

LLB

I.T.D.14568-1905

WASHINGTON. November 14, 1905.

ERS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 14, 1905, you transmitted the record of the application of Ed London for his enrollment as a Creek freedman, including your decision dated October 12, 1905, denying said application.

November 3, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision adverse to the applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision dated October 12, 1905, denying the application of Ed London for his enrollment as a Creek freedman is hereby affirmed.

Respectfully,

Thos Ryan

First Assistant Secretary

1 inclosure

Refer in reply to the following

Land
83796-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS
Washington, November 3, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 14, 1905, transmitting the record of the application for enrollment as a Creek freedman, by Ed London. October 12, 1905, the Commissioner decided adversely to the applicant.

The record shows that London is 79 years old and that he is not identified on the Dunn roll, and that he has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record, the approval of the Commissioner's decision adverse to the applicant, is recommended.

Very respectfully,

WCF-Y

C. F. Larrabee
Acting Commissioner.

✓
En. 948

Muskogee, Indian Territory, November 22, 1905.

Ed London,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of November 14, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying your application for enrollment as a Creek freedman.

Respectfully,

Acting Commissioner.

✓
En. 943

Muskogee, Indian Territory, November 22, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of November 14, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying the application of Ed London for enrollment as a Creek freedman.

Respectfully,

Acting Commissioner.

#943

J.P.

DEPARTMENT OF THE INTERIOR? LLB

WASHINGTON.

I.T.D. 3192-1906.

April 6, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to departmental letter of November 14, 1905,
(I.T.D. 14568), you are advised that a motion for a rehearing
has been filed in the Creek enrollment case of Ed London.

Respectfully,

(Signed) Thos. Ryan

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

DEPARTMENT OF THE INTERIOR

JP

I.T.D.14568-1905
3199-1906

WASHINGTON April 28, 1906.

IRS

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed for report and recommendation the motion for rehearing in the matter of the application of Ed London to be enrolled as a Creek freedman, of the filing of which motion you were advised April 6, 1906

The decision of the Department in this case was made November 14, 1905, affirming the decision adverse to the applicant.

Your attention is called particularly to the claim that Ed London and Bondon Marshall, which latter name appears upon the Dunn roll, was one and the same person. You are authorized, if you deem it advisable, to allow the claimant an opportunity to submit testimony on this point.

Attention is called to the portion of section 1 of the act of Congress dated April 26, 1906, relative to Creek freedmen.

Respectfully,

Thos Ryan

First Assistant Secretary

Through the Commissioner
of Indian Affairs.

Mustagee, Indian Territory, May 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter dated April 28, 1906 (I.T.D.14568-1905, 3199-1906), in which it is stated that there is inclosed for report and recommendation the motion for rehearing in the matter of the application of Ed London to be enrolled as a Creek freedman, of the filing of which motion you were advised April 6, 1906.

In reply I have the honor to advise that no inclosure was received with Departmental communication above referred to.

Respectfully,

Through the
Commissioner of Indian Affairs.

Acting Commissioner.

No. 20244.

I. T. D 8854-1906.

JP. FHE. LRS.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, May 21, 1906.

Direct.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Answering the Acting Commissioner's letter of the 8th instant, relative to a motion for rehearing in the Creek freedman case of Ed London, which he states was not received with departmental letter of April 28, 1906, you are advised that the motion was sent to you in letter of May 7, 1906.

Respectfully,

(Signed) Jesse E. Wilson,
Assistant Secretary.

Cr. En. 943

Muskogee, Indian Territory, November 15, 1906

The Honorable,

The Secretary of the Interior,

Sir:

The Department under date of April 28, 1906 (I.T.D. 3199-1906) transmitted to this office for report and recommendation motion for rehearing in the matter of the application for the enrollment of Ed London as a Creek Freedman, and authorized, if deemed advisable by this office, that the applicant be given an opportunity to submit testimony as to the claim made by him that Ed London and London Marshall, which latter name appears upon the Dunn Roll, was one and the same person. Upon said authorization the parties in interest were notified that a hearing would be had in this case, on the point mentioned, on June 15, 1906 and testimony was taken on said date. Further proceedings were had June 18 and June 21, 1906.

The evidence in this case, upon which decision of the Commissioner under date of April 12, 1906 was based, shows that the applicant, Ed London is positively identified as a son of Mary Marshall and a brother of the other members

of family group number 94, appearing upon the roll of citizens of the Creek Nation made by J. W. Dunn, prior to March 14, 1867, the names of the members of said group being Mary, Nether, Elijah, Easy, Catharine and Kinney Marshall, and as a brother of Angeline Marshall whose name appears upon said Roll in family group number 95, the only other name appearing in said latter group being London Marshall.

In the proceedings had prior to the rehearing in this case the applicant and his sister, Angeline Moody, testified positively that he went by no other name than Ed London or Ed Marshall. In proceedings had June 29, 1905 said Angeline Moody (identified as Angeline Marshall on the Dunn Roll) testified in part as follows:

"Q: Tell me the names of all your brothers and sisters that were living at the time of the Dunn payment?

A: Winnie, Nether, Frances, Catharine, Easy and Elijah.

Q: Did you have any other brothers? A: Simon.

Q: Did you ever call Simon any other name? A: No sir. London Marshall

Q: London Marshall was put on the roll with you?

A: Yes sir, must have been my cousin.

Q: You had a cousin by that name? A: Yes sir."

Elijah London, a brother of the applicant, testified in part as follows:

Q: What were the names of your brothers and sisters that were living at the time the Dunn payment was made?

A: I was the only one living at the time. I have some brothers in Kansas that never were here since peace was declared.

Secy-3.

- Q: Did their names get on the Dunn Roll? A: No sir.
Q: Did you ever call Ed by any other name than Ed Marshall and Ed London? A: Not that I know of.
Q: Do you know of anyone living at the time the Dunn payment was made named London Marshall? A: No sir.
Q: Did you have a cousin by that name?
A: London Marshall? I had a cousin named London but I don't know as his name was on the roll, because he got killed during the war.

It does not appear from the evidence upon which said decision of the Commissioner was based, that the applicant himself, or the witnesses in his behalf, claimed that said applicant was ever known by any other name than Ed London or Ed Marshall.

In the later proceedings had in this matter the witnesses, with the exception of Angeline Moody, testified that the applicant was known under the names of Ed London and Ed Marshall. Angeline Moody contradicts her previous testimony and states that the applicant was also called London Marshall. The evidence shows that said applicant was a resident of Texas at the time of the making of the Dunn Roll of Creek Freedmen and it is claimed by applicant and by other witnesses that the name of the applicant was caused to be placed on said Dunn Roll by his mother Mary Marshall. It appears further from the testimony of Elijah London, brother of the applicant, that other brothers of his

Secy-4

were living in the State of Kansas at the time of the making of the Dunn Roll, and that their names do not appear thereon.

It is fair to question whether Ed London the applicant herein is the London Marshall, whose name it is alleged was caused to be placed upon said Roll by his mother, Mary Marshall, when it appears that the names of other brothers of his, also living outside of Indian Territory do not appear thereon.

The evidence shows that London Marshall, cousin of the applicant was killed during the war, while stationed at Fort Gibson, Indian Territory, his death occurring, as stated by Angeline Moody, "while he was taking a drove of mules to graze," or, as stated by William McIntosh, "he was shot off his horse." The evidence does not show the exact date information of the death of London Marshall reached other members of his family. The records of the War Department show that an army post was maintained at Fort Gibson as late as the year 1872, and considering the indefiniteness of the testimony, it is a question whether the death of London Marshall occurred during the war or during the troublous times immediately following. The fact that London Marshall, cousin of the applicant, was a resident of the Territory for several years immediately preceding his death, that the

Secy-5

applicant was a resident of Texas for a number of years prior to the making of the Dunn Roll and that it is not established that his mother or near relatives had knowledge whether he was living or dead at the time said Roll was made, would warrant the conclusion that the name of London Marshall appearing on said Roll referred to the London Marshall, a United States soldier, and cousin of the applicant. The claim that applicant is the London Marshall whose name appears upon said Roll is further brought in question, when it is considered that it does not appear from the evidence or from the records in the possession of this office that the name of the applicant was listed upon either the 1890 or 1895 authenticated Rolls of the Creek Nation; that it does not appear that application was made to the Colbert Commission, or to the Commission to the Five Civilized Tribes under the act of Congress approved June 10, 1896, for the admission of the applicant to citizenship in the Creek Nation, and that the applicant has never participated in any of the Creek Tribal payments.

I am of the opinion that it is not proved that Ed London (or Ed Marshall) is the identical person who under the name of London Marshall appears upon the Dunn Roll of citizens of the Creek Nation, and that the facts as set forth

Page. -6

in the supplemental statement of August 14, 1905 and in the decision of the Commissioner under date of October 12, 1905 are correct, and respectfully recommend that said decision be allowed to stand.

Copies of transcript of testimony taken in the later proceedings had in this matter together with the motion for review filed therein are transmitted herewith.

Respectfully,

Encl.
J.C.L.-9-06.

Commissioner.

Through the Commissioner of Indian Affairs.

Refer in reply to the following:
Land. 101402-1906.
103884- "

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

December 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of November 15, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, who says that the Department, under date of April 28, 1906 (I.T.D. 3199-1906), transmitted to his office for report and recommendation a motion for rehearing in the matter of the application for the enrollment of Ed London as a Creek freedmen, and authorized, if deemed advisable by him, that the applicant be given an opportunity to submit testimony as to the claim made that Ed London and London Marshall (the latter name appearing on the Dunn roll) was one and the same person.

On the receipt of this letter the Commissioner notified the parties in interest that a hearing would be had in the case on the point mentioned on June 15, 1906, and testimony was taken on that date. Further proceedings were had on June 18 and 21, 1906.

Mr. Bixby says that the evidence in this case on which his decision of April 12, 1905, was based, shows that the appli-

cant, Ed London, is positively identified as a son of Mary Marshall, and a brother of the other members of family group No. 94, appearing on the roll of citizens of the Creek Nation made by J. W. Dunn prior to March 14, 1867, the names of the group being Mary, Esther, Elijah, Easy, Catharine and Kinney Marshall, and as a brother of Angeline Marshall, whose name appears on the roll in family group No. 95, the only other name appearing in the latter group being London Marshall.

He also says that in the proceedings had prior to the rehearing in this case the applicant and his sister Angeline Moody testified positively that he went by no other name than Ed London or Ed Marshall, and that in the proceedings had June 29, 1905, Angeline Moody (identified as Angeline Marshall on the Dunn roll), testified in part as follows:

- Q. Tell me the names of all your brothers and sisters that were living at the time of the Dunn payment?
- A. Winnie, Esther, Frances, Catharine, Easy and Elijah.
- Q. Did you have any other brothers? A. Simon.
- Q. Did you ever call Simon any other name? A. No sir. London Marshall.
- Q. London Marshall was put on the roll with you?
- A. Yes sir, must have been my cousin.
- Q. You had a cousin by that name? A. Yes sir.

Elijah London, a brother of the applicant, testified in part as follows:

- Q. What were the names of your brothers and sisters that were living at the time the Dunn payment was made?
 - A. I was the only one living at the time. I have some brothers in Kansas that never were here since peace was declared.
 - Q. Did their names get on the Dunn roll? A. No sir.
 - Q. Did you ever call Ed by any other name than Ed Marshall and Ed London? A. Not that I know of.
- /

- Q. Do you know of anyone living at the time the Dunn payment was made named London Marshall? A. No sir.
- Q. Did you have a cousin by that name?
- A. London Marshall? I had a cousin named London but I don't know as his name was on the roll, because he got killed during the war.

The Commissioner further says that it does not appear from the evidence on which his decision was based that the applicant himself, or the witnesses in his behalf, claim that he was ever known by any other name than Ed London or Ed Marshall; that in the later proceedings had in this matter the witnesses, with the exception of Angeline Moody, testified that the applicant was known under the names of Ed London and Ed Marshall; that Angeline Moody contradicts her previous testimony and claims that the applicant was also called London Marshall; that the evidence shows that the applicant was a resident of Texas at the time of the making of the Dunn roll of Creek freedmen, and it is claimed by him and by other witnesses that his name was caused to be placed on the Dunn roll by his mother, Mary Marshall.

He further finds from the testimony of Elijah London, brother of the applicant, that other brothers of his were living in the State of Kansas at the time of the making of the Dunn roll, and that their names do not appear thereon.

The Commissioner believes it to be fair to question whether Ed London, the applicant herein, is the London Marshall whose name it is alleged was caused to be placed on the roll by his mother, Mary Marshall, when it appears that the names of other brothers of his, also living outside of Indian Territory, do

not appear thereon.

The Commissioner further finds from the evidence that London Marshall, a cousin of the applicant, was killed during the war while stationed at Fort Gibson, Indian Territory, his death occurring as described by Angeline Moody "while he was taking a drove of mules to graze", or, as given by William McIntosh, "he was shot off his horse;" that the evidence does not show the exact date that information of the death of London Marshall reached other members of his family; that the records of the War Department show that the army post was maintained at Fort Gibson as late as the year 1872, and considering the indefiniteness of the testimony, it is a question whether the death of London Marshall occurred during the war or during the troublous times immediately following. The facts that London Marshall, cousin of the applicant, was a resident of the Territory for several years immediately preceding his death, that the applicant was a resident of Texas for a number of years prior to the making of the Dunn Roll, and that it is not established that his mother or near relatives had knowledge whether he was living or dead at the time the roll was made, lead the Commissioner to conclude that the name of London Marshall, appearing on the roll referred to the London Marshall, a United States soldier and cousin of the applicant, and he says that the claim that the applicant is the London Marshall whose name appears on the roll is further brought in question when it is considered that it does not appear from the evidence or from

the records in the possession of his office that the name of the applicant was listed on either the 1890 or 1895 authenticated rolls of the Creek Nation; that it does not appear that application was made to the Colbert Commission or to the Commission to the Five Civilized Tribes, under the act of Congress approved June 10, 1896, for the admission of the applicant to citizenship in the Creek Nation, and that he has never participated in any of the Creek tribal payments.

Based on these facts, Mr. Bixby says he is of opinion that it is not proved that Ed London (or Ed Marshall) is the identical person who, under the name of London Marshall, appears on the Dunn roll of citizens of the Creek Nation, and that the facts, as set forth in the supplemental proof submitted on August 14, 1905, and in the decision of the Commissioner under date of October 12, 1905, are correct, and he recommends that the decision be allowed to stand. He transmits copies of the transcript of testimony taken in the later proceedings had in this matter together with the motion for review filed therein.

The proof submitted on this last hearing of the case does not establish by such a preponderance thereof that Ed London was in fact known as London Marshall as in the judgment of the Office to justify a reversal of the original unfavorable decision of the Commissioner. It is true that the proof shows that Ed London is a member of the immediate family in which the name of London Marshall is included on the Dunn roll, but aside

from that circumstance the evidence is overwhelming that he never was known as London Marshall and that there was another London Marshall, cousin of the applicant, who served in the United States army and was killed at the post at Fort Gibson, and therefore the office is of opinion that the original decision of the Commissioner rejecting this applicant for enrollment as a Creek freedman should be allowed to stand.

There is returned herewith Departmental letter of November 26 (I.T.D. 8854-1906), addressed to the Commissioner to the Five Civilized Tribes, asking for a report on this matter.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

ERH-Y.

JP
ILB

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D.24450-1906.
D.C. 2562-1907.
LRS

January 10, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt, with Indian Office letter of December 4, 1906, of your report of November 10, 1906, resubmitting a motion for review in the matter of the application for the enrollment of Ed London as a Creek freedman, transmitted to you with departmental letter of April 28, 1906, in which you were authorized, if deemed advisable, to give the applicant an opportunity to submit further testimony. Further testimony was taken in June, 1906.

You express the opinion that it is not proved that Ed London (or Ed Marshall) is the identical person who, under the name of London Marshall, appears upon the Dunn Roll of citizens of the Creek Nation, and that the facts as set forth in the supplemental statement of August 14, 1905, and your decision of October 12, 1905, are correct, and you recommend that said decision, adverse to the claimant, be allowed to stand.

The Indian Office concurs in your views.

The Department also concurring, its decision of November 14,

1906, adverse to the applicant, is adhered to.

A copy of Indian Office letter is inclosed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 3 to Ind. Of.

Cr.Rn.943.

Muskogee, Indian Territory, January 18, 1907.

Ed London,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of January 10, 1907, the Department denied motion for review filed in the matter of the application for the enrollment of yourself as a Creek freedman.

Respectfully,

Commissioner.

Cr.En.943.

Muskogee, Indian Territory, January 18, 1907.

Messrs. Donovan & Griesel,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that under date of January 10, 1907, the Department denied motion for review in the matter of the application for the enrollment of Ed London as a Creek freedman.

Respectfully,

Commissioner.

Cr.En.943.

Muskogee, Indian Territory, January 18, 1907.

M. L. Mott,

Attorney for the Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of January 10, 1907, the Department denied motion for review filed in the matter of the application for the enrollment of R4 London as a Creek freedman.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of November 14, 1905 affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Ed London as a Creek freedman.

The Department under date of April 28, 1906 (I.T.D. 3199-1906) transmitted to this office for report and recommendation a motion for rehearing in said case.

Testimony was taken in the matter on subsequent dates and on November 15, 1906 the Commissioner transmitted to the Department a report recommending that the former decision be allowed to stand.

On January 10, 1907 (I.T.D. 24430-1906) the Department made a ruling denying said motion and adhered to its former decision under date of November 14, 1905 adverse to the applicant.

There is transmitted herewith for Departmental consideration a motion for review of said case, filed with this office February 28, 1907.

The statements set forth in said motion as grounds for

Secretary 2.

review are merely general in character, and there is nothing contained therein which would warrant a reopening of said case, and I therefore respectfully recommend that said motion be denied.

Very respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

V-22/1.

COPY

JP

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LIB

I.T.D. 7968-1907.

March 4, 1907.

LRS:

Direct

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for review of the Creek freedman case of Ed London, received with your letter of March 1, 1907, is hereby denied, in accordance with your recommendation.

Said motion, a copy of your letter, and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock.

Secretary.

2 inclosures to Ind. Of.

Gr. No. 943.

Muskogee, Indian Territory, March 14, 1907.

Denevan & Griesel,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that under date of March 4, 1907, the Department denied motion for review in the matter of the application for the enrollment of M London as a Creek Freedman.

Respectfully,

Commissioner.

JBM

Cr. No. 943.

Muskegee, Indian Territory, March 14, 1907.

Ed London,

Muskegee, Indian Territory.

Dear Sir:

You are hereby advised that under date of March 4, 1907, the Department denied motion for review filed in the matter of the application for the enrollment of yourself as a Creek Freedman.

Respectfully,

Commissioner.

JBM

CR EN 944

CR EN 944

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 8, 1905.

In the matter of the alleged application for the enrollment
of Ed Colbert as a Creek Freedman.

APPEARANCE: _____ Toomer, Attorney for alleged applicant.

Ed Colbert, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Ed Colbert.
- Q How old are you? A Well, I suppose, I am about between 29 and 30.
- Q What is your postoffice address? A It is Gibson Station.
- Q You claim to be entitled to enrollment as a Creek Freedman?
- A Yes sir.
- Q Did you, personally, prior to September 1, 1904, appear before the Commission to the Five Civilized Tribes, and make application to be enrolled as a Creek Freedman?
- A Did I? I did in 1904, in March.
- Q Where? A Here.
- Q In Muskogee? A Yes sir.
- Q Who did you make application to? A In this office. It seems to me that yonder man (pointing to L. Donovan, law clerk).
- Q Did he say you made application? A I couldn't just say just what he did say. It was then the latter part of March. I just got through planting corn.
- Q Were you in this building? A Yes sir.
- Q Came in yourself? A Yes sir.
- Q Did you apply for anyone besides yourself? A No sir; I didn't.
- Q Now, as near as you remember, you may state the circumstances in reference to that application.
- A I came here just a few minutes before twelve o'clock--it was half hour before 12 o'clock. I came in and the man stayed over there he asked me what I wanted and I told him I come to be enrolled. He asked me was I a citizen; I told him "Yes", that I was. He asked me how old was my mother and father. I told him my father was named Jim Colbert. Then he goes and looks on the book. After he had gone and looked at the book and returned some one came in that seemed like had a conversation with him and called his attention and they stopped aside and were talking back there. About that time the whistle blew for 12 o'clock. The man remarks to me, to come afterward, everything is all right so far as I can see; you will have to come back. I returned with these two people here down stairs and sat still between one and two o'clock. I came back. When I came back, quite a crowd was on. I stayed here for an hour. I goes back down stairs and come back a second time; still busy with a crowd here. I had to come here a long ways in the country. I goes home. I never come back again.
- Q Were you sworn at that time? A I don't recollect whether I

was sworn or not. Would not be positively to say.

Q Was this the only time you attempted to do anything to be enrolled--on that day you were here in March, 1904?

A I come back here afterwards.

Q When? A Here about three weeks ago, I suppose.

Q Was that after September 1, 1904? A Yes sir.

BOLLEN BOLTON, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Bollen Bolton.

Q How old are you? A About 35 years old.

Q Where do you live? A In Muskogee.

Q Are you a citizen of the Creek Nation? A No sir.

Q A citizen of any of the Five Civilized Tribes? A No sir; I am a state man.

Q Do you know this man, Ed Colbert? A Yes sir.

Q Have you ever, in company with him, appeared in this office before? A Yes sir.

Q When was that? A Last March a year ago.

Q Were you here with him personally at that time? A Yes, sir; he came here.

Q Relate, just as briefly as you can, what occurred.

A He came up here with a fellow--come to be enrolled. A fellow looked and asked him his father's name and he told his name was Jim Colbert and told his name. So he goes back, I know, I couldn't tell, before he got through telling him, someone came in and called his attention, looked like a conversation about Ed Colbert. Before they got through it was 12 o'clock. He came back and told him you will have to come back afterwards in the afternoon, so I didn't come back afterwards.

Q At that time were you here with Colbert? A It was a while before noon.

Q What were you doing here with Colbert? why did you come up here? A Had been running around, knocking around for three years. He came running on me.

Q What were you here for? A Just 'cause I was acquainted with him.

Q How long have you known him? A Two (?) years.

Q Do you know anything of his parents? A Have seen them.

Q How did you know it was 12 o'clock that day? A The whistle blew.

Q What whistle? A Round house.

BY MR. TOOKER:

Q Are you interested in this matter? A No sir.

BY THE COMMISSION:

Q Was Ed Colbert attended to--was he talking to any man in the room

A That man over yonder. I don't know him (pointing to Mr. Donovan)

J. W. Cooper, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A J. W. Cooper.

Q How old are you? A About forty.

Q Where do you live? A Gibson Station.

Q Are you a citizen of the Creek Nation? A I am not.

Ed Colbert's alleged application-----3.

Q Citizen of the Five Civilized Tribes? A I am not.
Q Do you know Ed Colbert? A I do.
Q How long have you known him? A I have known him since 1903.
Q Do you know, of your own knowledge, of his ever having appeared before the Commission to the Five Civilized Tribes, prior to September 1, 1904, for the purpose of being enrolled as a Creek Freedman? A Yes sir.
Q When did he appear? A I remember it was sometime in March.
Q What year? A 1904.
Q Were you with him? A Yes sir.
Q Did he at that time come to this office? A He come to this office to the best of my recollection.
Q Do you know what day it was? A It was on a Saturday.
Q You were with him? A Yes sir.
Q Did you personally come to this office? A I come to this office.
Q Were you in the office? A I was along here somewhere.
Q What occurred? A He came in and made his business known to some gentleman. I think he had 'em look up and told him all right. Just as he said, some one came in and called his attention. They talked briefly for a while and stopped for twelve o'clock; would close the office. He told him he would have to come back in the afternoon. They did so.
Q You came back with him again in the afternoon? A Yes sir.
Q What occurred in the afternoon? A They didn't pay attention in the afternoon.
Q Where was he during the afternoon? A Where?
Q Colbert? A Down stairs of the house all that time.
Q Did he make any attempt to come here? A Yes sir.
Q Did he talk to anybody? A I don't know whether he did. They all kept busy didn't say anything to him. I don't know any of the men in this room. He was talking with that man. I don't know except he (Mr. Hains).
Q How did you get here? A I was looking up some interest myself. I had been making application as a Choctaw. I saw Mr. Needles and Mr. Bixby and hanging around the office for that purpose, so I could see them. I had an application in here myself to see after.
Q That is how you came here? A Yes sir.
Q Have you any interest in this matter? A None whatever.

Attorney here states he has no more evidence to introduce.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me
this the 26 day of May, 1905.

J. Y. Miller
Edw. S. S. S.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 19, 1905.

In the matter of the application for the enrollment of Ed Colbert as a Creek Freedman.

Ed Colbert, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Ed Colbert.
- Q How old are you? A My father says I am about 33 years old.
- Q What is your postoffice address? A Gibson--not Gibson but Haynes.
- Q Have you ever drawn any money from the Creek Nation? A No sir.
- Q Do you claim to be a member of any Town in the Creek Nation? A Well, I haven't been here for about three years, only out and in.
- Q You only have been in the Creek Nation during the last three years? A Yes sir.
- Q Have you ever been in the Creek Nation before that? A Yes sir.
- Q Where have you been prior to those last three years? A I have been living between the rivers and on the other side next to Wagoner; I was also in Denison.
- Q How long were you in Denison? A Well, I was principally raised up in Denison.
- Q Were you born in Texas? A I don't know, sir, whether I was born in Texas. I don't know where I was born.
- Q How long have you lived in Denison? A I was in Denison about fifteen years, off and on, about here and there.
- Q How old were you, about, when you came to the Creek Nation the first time? A I was about ten years old.
- Q How long were you in the Creek Nation then? A I came up and stayed with my father about three or four months.
- Q Where? Here at Muskogee? A Here, between the rivers.
- Q Then you went back to Denison? A Went back and stayed with my grandma.
- Q Where was she living? A In Denison.
- Q What is her name? A Marc Rogers.
- Q Who is your father? A Jim Colbert.
- Q Who is your mother? A My mother was named Delpha Rogers.
- Q Were they lawfully married? A I don't know, sir.
- Q Where were you born? A I don't know sir, where I was born.
- Q Were you born in Indian Territory or Texas? A I don't know, sir, whether I was born in Texas or Indian Territory.
- Q You don't know, then, whether any money was drawn for you or not? A No sir, I don't.
- Q Is your mother a Creek citizen? A No sir, my mother claimed to be a Cherokee.
- Q Is she on the Cherokee rolls? A I think she died before the enrollment of the Cherokees.
- Q She was a Freedman, was she? A Yes sir.
- Q Do you know whether your mother ever made application for your enrollment as a Cherokee Freedman? A No sir, she died when I was so-- they told me. I was not recollecting mother

myself.

Q You don't remember seeing your mother at all? A Mother died when I was about something over a year and half old; so I don't remember.

Q But you were not in the Creek Nation very much at any time up to three years ago? A Only two or three months at a time.

Q How many visits did you make to the Creek Nation? A I was here every year until I was about seventeen years old.

Q You claim to be 33 years old? A Yes, that's my age about; that my father says.

Jim Colbert, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A Jim Colbert.

Q How old are you? A I am about 54.

Q What is your postoffice address? A Haynes.

Q You are a citizen of the Creek Nation, are you? A Yes sir.

Q You have your allotment and your deeds? A Yes sir.

Q Are you the father of Ed Colbert? A According to what his mother says.

Q Who is his mother? A His mother is dead.

Q I asked you who she was? A Her name is--she used to go by the name of Emma Thomas. I got her when in the Cherokee Nation and then went to Texas.

Q Were you lawfully married to Emma Thomas? A No sir.

Q How old is Ed Colbert? A Ed Colbert was born in '72.

Q I asked you how old he was? A He was born in 1872, if I mistake not. I didn't keep any regular account here.

Q Where was he born? A Born in Sherman, Texas.

Q How long did he live there? A He stayed at Sherman, I guess--only been out here three years, been in Sherman ever since he was born, but was going backwards and forwards after the mother died.

Q When did his mother die? A His mother died--I disremember the date now.

Q How old was Ed when she died? A Three years old.

Q She died in Texas? A Yes sir.

Q Ed lived there up to about three years old? A Yes sir.

Q Made occasional visits to the Creek Nation? A Yes sir.

Q Never stayed here any length of time? A No sir.

Q What is the longest time he ever stayed? A He stayed up in my place about a month.

Q Was he in your possession all the time? A When he was here, after he lived with his grand mother.

Q And you weren't lawfully married to Emma Thomas? A No sir.

Q Are you positive that you are his father? A According to what she says.

Q Did you have other children by this woman? A No sir. All I could do is to take her word for it.

Q Did you ever draw any money for Ed Colbert in the Creek Nation? A No sir.

Q To what Creek Town do you belong? A I belong to Arkansas Town.

Q Then Ed was not here in 1890 and 1895, was he, during the times of the payments? A No sir.

Q You have always recognized Ed as your son, have you? A Yes sir.

Q Do you know Delpha Rogers, a woman named Delpha Rogers

Ed Colbert-----3.

A Delpha Rogers? No, sir. She didn't went by the name with me.
Q You don't know any woman by the name Delpha Rogers? A Not
as I know of.
Q This woman, Emma Thomas, was a Cherokee Freedman, was she?
A Yes sir.
Q She died before enrollment began? A Yes sir.
Q How long did you live with this woman, Emma Thomas? A Well,
I guess I stayed along with her about 2 1/2 years altogether.
I have been working on the railroad--
Q You helped to support her? A Yes sir.
Q Was this child born while you were living with her? A
Yes sir.
Q You helped to support him, did you? A Yes sir.
Q Are you enrolled as Jim or James? A James Colbert.

The witness, Jim Colbert, is identified on Creek Freedman
card, Field No. 685 and his name is contained in a partial list
of Creek Freedmen approved by the Secretary of the Interior
March 28, 1902, Roll No. 2645. He is further identified on the
1890 Authenticated Tribal Roll of the Creek Nation, page 24,
Arkansas Town. There is also a note on said card that "No. 1".
(the witness, Jim Colbert) is identified on the Dunn Roll as
Jim McIntosh, opposite No. 1210.

Q Do you know of any reason why Ed Colbert was never enrolled
in any Creek Indian Town? A Because he wasn't here.
Q Did you ever make any attempt to get him on the rolls?
A I didn't make any attempt ~~until~~ until after the last Council
in Okmulgee, then I wrote to Ed Colbert he better come in and
make application for citizenship, cause he is married and had
a family of his own. I thought he would have to come and transact
his own business.
Q Who told you to do that--did anyone tell you to do that?
A No sir, I just thought it was right to do.

INDIAN TERRITORY,) I, J. Y. Miller, a stenographer to the
Western District.) Commissioner to the Five Civilized
Tribes, do hereby certify that the
above and foregoing is a true and com-
plete translation of my notes as same appear in my stenographic
report of this case.

Sworn to and subscribed before me this
the 19th day of October, 1905.



Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 4, 1905

In the matter of the application for the enrollment of Ed Colbert as a Creek Freedman. (ADDITIONAL TESTIMONY).

Tom Evans, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Tom Evans.
- Q How old are you? A I am 50 years old, the second day of August.
- Q What is your postoffice address? A Gibson Station.
- Q Are you a citizen of the Creek Nation? A No sir.
- Q State man, are you? A Yes, sir, I come from Sherman.
- Q Did you know Ed Colbert when he was in Sherman, Texas? A I knew him when he was a baby, two months old.
- Q How old was he when he left Texas? A I don't know exactly how old he was--he was about eight years old.
- Q Did you know him from the time he was two months old until he was eight years old? A Yes sir.
- Q In Texas? A Yes sir.
- Q All the time? A Yes sir.
- Q When did you come out here? A Three years ago.
- Q Was this the first time you saw him since he was eight years old? A Yes sir.
- Q Three years ago? A I--
- Q Knew him ever since? A Yes sir.
- Q Where did you see him three years ago? A I saw him at Gibson Station; he was living on the other side of the Creek.
- Q How do you know he is the same boy that left Texas? A I know his daddy. I know him. I nursed him.
- Q What is his name? A Jim Colbert.
- Q How do you know that this is Jim Colbert's boy? A I nursed this boy. I taking him in my lap many times; nursed that boy.
- Q Did Jim Colbert tell you that this was his boy? A Told me ~~in~~ ~~was~~ ~~daddy~~ that he was his daddy. He told me this boy was here. I went where he was and stayed all night with him.
- Q Where is Jim Colbert now? A He is here. I didn't see him just now. He is in there.
- Q Do you know the name of this boy's mother? A Yes sir.
- Q What is her name? A Anna Thomas.
- Q Where is she? A She is dead.
- Q How long has she been dead? A Ever since he was a little boy.
- Q Where did she die? A In Sherman, Texas.
- Q Do you know whether she was a citizen of the Creek Nation? A Cherokee, that's what she claimed, Cherokee Freedman. She died when this one was a little boy.
- Q About how many years ago? A I don't know, sir, exactly.
- Q Two or three years old? A He was two or three--no, sir, I don't know whether she was dead. I don't think was more than two years old when he died.
- Q Is Jim Colbert a citizen of the Creek Nation, do you know?

A Yes sir.

Q Was he down in Texas when this boy was a little fellow? A--

Q And you saw him since he came back? A Yes sir.

Q You know this is the same Jim? A Yes sir.

Q And while he was down there, you believed that this applicant here was his boy? A I know it is.

Q And you know now that it is the same boy? A Yes sir.

Q And you haven't seen him from the time he was eight years old until three years ago? A Yes sir.

Q How do you know that this is the same fellow? A Cause I had seen the boy.

Q That don't make any difference. How do you know this is the same fellow? A When I come he says my son, a boy is living; have you seen him? I said, No, sir. I went to his house and stayed all night. I know it is the same boy. I know it was in Texas; I know it was in Sherman. I never had denied it.

Q To the best of your knowledge, you got acquainted with this fellow when he was a baby a few months old and you knew him in Texas until he was eight years old; you next knew him three years ago at Gibson Station, and that is all you know about his residence from your knowledge? A Yes sir.

Q Now, do you know anything about where he was between the time that he left Texas when he was eight years of age until three years ago? A I know where Jim was. I didn't inquire about the boy.

Q You don't know where he was? A I worked along that time 30 years ago.

Q Now, to get at the truth, from the time that he left Texas until a year ago--do you know where he was during that time? A No sir; I couldn't say.

Q You don't know then, whether he ever drew any money from the Creek Nation? A No sir, I don't.

Q You don't know whether he was recognized by any Creek authorities? A No sir, I don't.

Q Or by the United States Court or the Daves Commission? A No sir.

Q Do you know anything about his trying to make application before the Commission here? A No sir.

Q Did you know where this boy was born? A Yes.

Q Where? A In Sherman, Texas.

Q You said you didn't know him until he was two months old.

A I said his mother--his father said I got a fine boy his mother was about ready--uncle Jim--two months after I saw the child. I never went to the house until he was about two months old.

Q She died in Texas--his mother? A Yes sir, in Sherman, Texas.

Q What did you say the mother's name was? A Emma Thomas.

Q He said Delpha Rogers; that shows you don't know. A Some called it for short.

Q For short? A Some called them; the niggers nickname one name, niggers do certainly do it. That's her name, nickname; they are nicknames one another. I am telling you the truth.

Q Did you ever hear Jim Colbert say that this was his boy? A Yes sir.

Q Testimony here in which he says he only says this is his boy because his mother says it is; how does it come you say--? A Well, what I say--I told you what he said that his boy. I said I know.

Q When he was asked under oath here whether he was the father he said that's was his mother told him; said it was his.

Ed Colbert-----3

A When he come under oath told me had a child fine boy; he says the mother says it is mine. I don't know more about it. I couldn't tell you more about it.

Q Is this all you know about this boy's case? A Yes sir.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me
this the 6th day of December,
1905.

J. Y. Miller

J. M. McDermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment of Ed Colbert as a Creek freedman.


D E C I S I O N.

The record in this case shows that on May 8, 1905, Ed Colbert appeared in person before the Commission to the Five Civilized Tribes in Muskogee, Indian Territory, and presented testimony relative to an application alleged to have been made for his enrollment as a Creek freedman prior to September 1, 1904, on which date the rolls of the Creek Nation were closed by order, dated June 13, 1904, of the Secretary of the Interior, under authority in him vested by act of Congress of March 3, 1901 (31 Stats., 1058).

It appears from the evidence that during the month of March 1904, said Ed Colbert appeared in person before the Commission to the Five Civilized Tribes and stated that he desired to be enrolled as a citizen of the Creek Nation; that before a record was made of said application the office of said Commission was closed for the noon recess and said Ed Colbert was directed to return at one in the afternoon; that he did so return and that owing to a rush of business in the office his application was not heard on that day; that prior to September 1, 1904, he made no further attempt to make an application for enrollment before said Commission.

From an examination of the records of this office it appears that no record has been made of an application for the enrollment of said Ed Colbert as a Creek freedman.

I am of the opinion that the evidence shows that application was made for the enrollment of said Ed Colbert as a citizen of the Creek Nation, prior to September 1, 1904, and that said application should now be heard and determined on the merits, and it is so ordered.


Commissioner.

Muskogee, Indian Territory,

SEP 30 1905

DEPARTMENT OF THE INTERIOR,
~~COMMISSIONER TO THE FIVE CIVILIZED TRIBES.~~
Muskegee, Indian Territory, February 3, 1906.

In the matter of the application for the enrollment of
Ed Colbert as a Creek freedman.

ED COLBERT, being duly sworn, testified as follows:

- Q What is your name? A Ed Colbert.
Q What is your age? A Thirty one or two about.
Q What is your post office address? A Haynes.
Q What is the name of your father? A Jim Cole.
Q Is he living? A Yes, sir.
Q Have you got him here today? A He is in town
Q You are not introducing him as a witness today? A No, sir.
Q What is his post office address? A Henryetta.
Q What is the name of your mother? A So far as my mother is concerned the testimony I give in before here. I was quite young when mother died and I don't know anything about her as far as my recollection goes. I was about two years old when she died. Some called her Dephne and some called her Imney.
Q Was she a citizen of the Creek Nation? A I don't know sir.
Q Is Jim Colbert a citizen of the Creek Nation? A Yes, sir that is what he says.
Q Is he enrolled? A Yes, sir.
Q What are you here for today? A The notice I got was to bring in another witness to testify that Jim Colbert was my father; that was the notice I got that they wanted another witness? A We have all testified here before and had witnesses.
Q What do you claim, what is the nature of your claim? A I claim to be a Creek; my father is.
Q Is your father a Creek by blood or a freedman? A By blood--by freedman.
Q Do you claim to be a Creek by blood or freedman? A Freedman.
Q You were never enrolled by any of the tribal authorities were you? A No, sir.
Q Never drew any money? A No, sir.
Q Never admitted to citizenship by the courts? A No, sir
Q By the proper authorities? A No, sir.
Q Neither by the council, the Dawes Commission or the United States court have you? A No, sir.

W.G. WARNER, being duly sworn, testified as follows:

- Q What is your name? A W.G. Warner.
Q How old are you? A Fifty one.
Q What is your post office address? A Tallahassee.
Q Citizen of the Creek Nation? A No, sir.
Q State man are you? A Yes, sir.
Q How long have you lived in the Creek Nation? A Near forty years.
Q Do you know this man Ed Colbert? A Yes, sir I am acquainted with him.
Q When did you first meet him? A I have seen him off and on through living here since he was a boy.

Q Where did you first see him? A The first place I saw him was between the rivers.

Q In the Creek Nation? A Yes, sir.

Q How old was he? A Not more than seven or eight years, not that old I guess.

Q You never saw him till he was seven or eight years old? A No, sir I think he wasn't more than that.

Q What is the name of his father? A Jim Colbert.

Q How do you know? A I heard that since I came to the country that that was the name he was going by--Jim Colbert.

Q How do you know Jim Colbert to be the father of this boy Ed Colbert? A I only know by what his mother said that he was Jim Colbert's child.

Q When did his mother tell you that? A She told me that when she was carrying him. That was just a while before they moved away; they went somewhere to Texas.

Q Before this boy was seven or eight years old did she ever tell you who was the father? A She told me before she went away; after she went away I never saw her any more. She told me this when she and Jim was living together.

Q Where? A They were living together in Fort Gibson when I first became acquainted with them.

Q At the time she was carrying the child around? A The child wasn't born.

Q Before the child was born she told you Jim Colbert was the father, is that what you mean to say? A Yes, sir.

Q How did she come to tell you that? A They was man and wife according to the old Indian manner.

Q Do you know that to be a fact? A I do know it to be a fact.

Q Was it generally known among the neighbors that they were living together as man and wife at that time? A Why yes, they lived together here a great while and moved about from pillar to post over the territory before they went down to Texas.

Q How do you know the man she lived with and she told you was the father is the same man who is enrolled here as a citizen of the Creek Nation? A I suppose--I am satisfied it is the same black Jim Colbert. I never seen him enrolled.

Q What was the name of that Jim Colbert's father? A I don't remember I don't believe I knew his father.

Q What was the name of Jim Colbert's mother? A I don't know but if he is a citizen you will find him on the roll.

Q Do you know the name of the owner of Jim Colbert? A No, sir.

Q Didn't you know them at the time they were living together? A I knew them at the time Jim and Emily was living together. This was after the war.

Q About how old a man is that Jim Colbert you say lived with her as man and wife? A I judge him to be about--I don't know how old but I reckon him to be about 45 or 46 because he was a young man when I came to the country.

Q You haven't been here 40 years? A Well on to 40

Q Were you here during the war? A No three or four years after the war I came.

Q Did you know this Emily you have spoken of? A Yes, sir.

Q Do you know the names of either of her parents? A No, sir.

Q Do you know if they claimed to be a citizen of any of the nations?

A That I don't know. I don't know whether she was a citizen or not. It's only my thoughts but I thought she was a Cherokee on account of a lot of Cherokee Thompsons --that she was out of that sects but I never heard her say.

Q You saw this woman before this child was born when she was expecting it and she told you Jim was the father? A Yes, sir.

Q And after that you never saw Ed Colbert until he was 6 or 7 years old? A No, sir.

Q How how do you know this man here is the same person you saw when he was 6 or 7 years old; how do you that this boy you saw at

6 or 7 was the same that she was expecting and that she said Jim Colbert was the father of? A Only by the father. I saw Jim and he said his wife was dead but left him one child and the child was with him and that was between 4 and 5 years after they lived here. Did he ever point out this applicant and say he was his boy? A Yes, sir I met him time and again after that, I met him afterward, he said here is my boy that his mother died in Texas; Emily's son. Q You don't know anything about this one being the exact one? A Only by what they told me, she told me a dozen times before she left here and went to Texas. Q The child wasn't living at that time, wasn't born yet? A No, sir. Q It wasn't born when she left here? A No, sir. Q Where do you think that child was born? A They went from here to Texas; it must have been born there. Q Have you been told where it was born? A No, sir. Q Anybody ever tell you it was born in Texas? A No, sir no more than his father told me she was dead and the child was born there. Q When she was living here she identified that child? A No, sir she didn't have it in her arms. Q She was expecting it? A Yes, sir. Q Are you any kin to Jim or Ed Colbert? A No, sir. Q Have you any interest in this case? A Not at all whatever.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me
this 6 day of February 1906.

Anna Garrigues

Wm. C. Colkett
Notary Public.

Department of the Interior
Commissioner to the Five Civilized Tribes

Date: 1/3/06

Information Desired:

Name:

Approved:

Report:

Jan 3 1906
I hereby appoint J. L.
Hamer my attorney of record
in the above matter and
as such do request of
you of testimony in
said matter.

E. J. Colbert

Clerk in Charge.

944
En. 914

Muskogee, Indian Territory, October 2, 1905.

Robert Teemer,

Attorney for Ed Colbert,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that under date of September 30, 1905, the Commissioner to the Five Civilized Tribes, rendered a decision that application was made for the enrollment of Ed Colbert as a citizen of the Creek Nation, prior to September 1, 1904, and that said application should now be heard and determined on the merits.

You are accordingly notified that the applicant will be allowed twenty days from date within which to appear before this office and submit evidence in the case.

Respectfully,

Commissioner.

944
No. 944

L. D.

Muskogee, Indian Territory, October 2, 1905.

Ed Colbert,

Gibson Station, Indian Territory.

Dear Sir:

You are hereby notified that under date of September 30, 1905, the Commissioner to the Five Civilized Tribes, rendered a decision that application was made for your enrollment as a citizen of the Creek Nation, prior to September 1, 1904, and that said application should now be heard and determined on the merits.

You are accordingly notified that you will be allowed twenty days from date herein to appear before this office and submit evidence in the case.

Respectfully,

Commissioner.

Cr Bn 944

Muskogee, Indian Territory, November 20, 1905.

Ed Colbert,

Haynes, Indian Territory.

Dear Sir:

Further evidence is desired in the matter of your application for enrollment as a Creek Freedman.

You are hereby notified to appear at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, within fifteen days from date, with Jim Colbert, your alleged father, and other witnesses who can identify you as the person you claim to be, for the purpose of being examined under oath.

Respectfully,

Acting Commissioner.

Register.

Lullahorse

Ind. T., 1906

TO THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES:

You are advised that I have employed William S. Wright as my attorney to represent me in the matter of my application for enrollment of myself and those I represent as citizens of the Creek Nation. The authority heretofore given any other attorney to represent me is hereby revoked.

E. J. Wright
Applicant.

Cherokee FD343.

En. 944.

Washington D.C. Nov. 8th, 1906.

Hon. Commissioner to the Five Civilized Tribes,
Muskogee, Ind. Ter.

Sir:

In re. application of Ed. Colbert for enrollment as
a freedman citizen of the Creek Nation.

I am the attorney for the above-named applicant and
am advised that his application is still pending before your
office. Please advise me as to the present status of this
application and also notify me when a decision is rendered.

Thanking you in advance for the favor,

Very respectfully,

(Signed) W. W. Wright.

WWV/BM

Cr. No. 844.

Muskogee, Indian Territory, November 20, 1906.


The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Ed Colbert as a Creek Freedman, including the decision of the Commissioner, dated November 17, 1906.

Respectfully,



Commissioner.

LM-92.

Through the Commissioner
of Indian Affairs.

Cr. No. 944.

Muskogee, Indian Territory, November 20, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Ed Colbert, as a Creek Freedman.

The decision, together with the record of proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-91.

Cr. En. 944.

Muskogee, Indian Territory, November 20, 1906.

Ed Colbert,

Gibson Station, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself as a Creek Freedman.

The decision, together with the record of proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

EX-90.

Cr.Mn.944.

Muskogee, Indian Territory, November 20, 1906.

Ed Colbert,

Gibson Station, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself as a Creek Freedman.

The decision, together with the record of proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-20.

Muskogee, Indian Territory, November 22, 1906.

Robert Toomer,

Attorney for Ed Colbert,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Ed Colbert, as a Creek Freedman.

The decision, together with the record of proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Encl.
JCL-11-22.

Commissioner.

Muskogee, Indian Territory, November 22, 1906.

W. W. Wright,

Washington Loan and Trust Company,

Washington, D. C.

Dear Sir:

You are hereby advised that on November 20, 1906 there was forwarded to the Secretary of the Interior the decision of the Commissioner to the Five Civilized Tribes denying application for the enrollment of Ed Colbert as a Creek Freedman.

Respectfully,

Commissioner.

CRW
LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.F.D. 3824-1907.
D.C. 20673-1907.

February 20, 1907.

LRS

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

November 20, 1906, you transmitted the record in the matter of the application for the enrollment of Ed Colbert as a Creek freedman, including your decision dated November 17, 1906, adverse to the applicant.

Reporting February 16, 1907 (Land 2914), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office, and it will advise local attorneys of this action.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

1 inc. and 4 to Ind. Of.

AFMc
2-21-07

Refer in reply to the following:

Land 108297-1906.

2914-1907.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated November 20, 1906, transmitting the record relative to the application of Ed Colbert for enrollment as a Creek freedman.

On May 8, 1905, application was made to the Commission for the enrollment of Ed Colbert as a Creek freedman.

On November 17, 1906, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant was not a resident in good faith of the Creek Nation on June 28, 1898, and that he is not enrolled as a freedman citizen of that Nation, nor was he admitted as a citizen by the tribal authorities, the Commission or the United States Court. The brief of W. W. Wright, attorney for the applicant, filed January 10, 1907, was received and considered.

Under the provisions of Section 21 of the Act of June 28, 1898 (30 Stat. L. 495), the decision of the Com-

missioner adverse to the applicant is recommended for approval.

Very respectfully

C. F. Larrabee,

Acting Commissioner.

HRD-Y.

Muskogee, Indian Territory, March 4, 1907.

W. W. Wright,

Washington Loan and Trust Company,

Washington, D. C.

Dear Sir :--

You are hereby advised that under date of February 20, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the alleged application for the enrollment of Ed Colbert as a Creek freedman.

Respectfully,

Commissioner.

Or. No. 944

JWH

Muskogee, Indian Territory, March 4, 1907.

Mr. Colbert,

Gibson Station, Indian Territory.

Dear Sir:--

You are hereby advised that under date of February 20, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the alleged application for your enrollment as a Creek freedman.

Respectfully,

Commissioner.

CR EN 945

CR EN 945

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okemah, I. T. February 17, 1905.

In the matter of the application for the enrollment of Susie Holahta, deceased, as a citizen by blood of the Creek Nation.

ARLINDA HOLAHATA, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Arlinda Holahta.
Q How old are you? A I do not know.

Witness appears to be about fifty years old.

- Q What is your post office address? A Okemah.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Greenleaf.
Q Did you know Susie Holahta? A Yes, sir, she was my daughter.
Q Do you know when Susie died? A I do not know.
Q How many years has it been? A I do not know how long she has been dead.
Q Did you ever execute an affidavit relative to her death? A I executed an affidavit and I think that the record of her death was taken from the head-board of her grave.
Q Where is Susie buried? A Near my home.
Q Where is your home? A Just beyond Greenleaf Church House.
Q Is the record still on the head-board? A I think so. The head-board is protected by a roof.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did Susie die before or after the opening of the land office? A I think people had begun making selections of land at the time she died.
Q Do you know any one who had made selection of land at the time she died? A I cannot name any one. The people in my neighborhood had not begun making selections of land for sometime after the land office opened.
Q Who was Susie's father? A Nocus Holahta.
Q To what town does he belong? A Fishpond.
Q How old was Susie when she died? A I think she was about six years old.
Q Did Susie draw money at the \$14.00 Payment? A Yes, sir.
Q How old was Susie at the time the \$14.00 Payment was made? A I do not know how old she was at that time. She was a small girl.
Q How long after the \$14.00 Payment was it that Susie died? A I do not know.
Q Was there any record made, other than the one on the head-board, of the death of Susie? A I do not think so. I was advised by Mrs. Alice Davis to make application for the child and I executed an affidavit about the child. Mrs. Davis told me that according to the record on the head-board that the child was entitled to allotment.
Q Do you know who made the record on the head-board of the grave? A Dick Pat.
Q Where does he live? A He is now in the Penitentiary.
Q Have you any other child besides Susie? A I have three children living ~~and~~ and two dead, Selarne and Susie.
Q What are their names? A John and Larney Holahta and Jonah Bear.
Q Which is the oldest? A Jonah Bear.
Q When did Selarne die? A Selarne died of the small-pox when the

C. 3532---2.

disease was raging in this part of the country.

Q Who was your youngest child? A John.

Q How old is he? A I think he is about six years old.

Q Was he born before or after Susie died? A Susie was dead at the time he was born.

Q Do you know how long she had been dead when John was born? A Susie died in the summer and I think John was born the following fall.

Q Was land been selected for John? A Yes, sir.

Q Do you know any one who would be able to give the Commission definite information as to when Susie died? A Any of my immediate neighbors ought to know. I cannot name any certain person.

-----:0:-----

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this

8 *D. C. Skaggs*
day of *April* 1905.

E. W. C. Skaggs
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okemah, I. T., February 17, 1905.

In the matter of the application for the enrollment of Susie Helahta, deceased, as a citizen by blood of the Creek Nation.

WOCUS HOLAHTA, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION: What is your name? A Wocus Helahta, sometimes known as Ismally.

Q How old are you? A I do not know my exact age but I was old enough to shoulder a musket during the Civil War. I could just reach to the muzzle of the musket.

Q What is your post office address? A Okemah.

Q Are you a citizen of the Creek Nation? A Yes, sir.

Q To what town do you belong? A Fishpond.

Q Did you have a daughter named Susie Helahta? A Yes, sir.

Q She is dead is she? A Yes, sir.

Q Do you know when she died? A I do not know.

Q How many years has it been since she died? A The record on the head-board was the only thing that would have fixed the date of her death.

Q Was that the grave of your daughter, Susie, which you pointed out to me? A Yes, sir.

A grave, designated by the witness as that of Susie Helahta, was visited and the record written thereon was found to be almost obliterated, only the following writings being discernable: ~~_____~~

"Susie Bear died Sep ____ 189__."

Q Does Susie Bear refer to Susie Helahta? A Yes, sir.

Q How old was Susie at the time of her death? A I think she was about six years old. This boy here was born before Susie died.

Q What is his name? A Jehn Helahta.

Q How old is he? A Between five and six years old.

Q How old was Jehn when Susie died? A Jehn was crawling and was able to stand by holding to a chair at the time Susie died. Susie was living at the time the Commission was at Okmulgee enrolling citizens.

Q Do you remember the circumstances of the opening of the Creek Land Office? A Yes, sir.

Q Did Susie die before or after the opening of the land office? A I cannot say as to that? I do not know whether she died just before or just after.

Q Do you know Kizzie Simmer? A Yes, sir.

Q Do you know her son Josie (Joe)? A Yes, sir.

Q She swears that Susie died before her son Josie was born? A I do not wish to dispute anything that she says but I do not know how she is able to give better information about Susie than myself. I have never concerned myself about making selection of land for my child. I have never favored allotment and I am still opposed to it. I am giving you the best information I can. I am indifferent as to the outcome of the application which has been made for her enrollment.

Q Are you positive that your son, Jehn, was born before Susie died?

A Yes, sir, I am positive. I am also positive that Susie has been

C. 2532.---2.

dead but a short time but I had no way of fixing her death.

John is present and appears to be at least five years old.

Q Do you remember the circumstance of the burning of the Charley Colner pesthouse? A Yes, sir.

Q Was Susie living at that time? A No, sir. She was dead at that time and according to my best recollection she had been dead about a year.

Q What fixes it in your mind that she was not living at that time?

A Because I lost a daughter at that time and at that time Susie was dead.

Q What was her name? A Belarne.

Q Have you a daughter named Larnae? A yes, sir. That house (indicating a log-cabin) is on her allotment. Belarne was an elder sister of Larnae.

Q What is your wife's name? A Arlinda Nolahta.

Q Do you know whether or not she has ever executed an affidavit about the death of Susie? A I do not know. I think Alice Davis had her execute an affidavit.

Q Did Belarne die in a pesthouse? A No, sir, she died in this house. The doctors came to take her to a pesthouse and found her to ill to be removed.

Q Do you know any one who could give the Commission information about Susie? A Jonas Bear would probably be able to furnish information.

Q Where does he live? A He lives here when at home but he is now in the Muskogee Federal Jail.

---ooo000ooo---

-I, D. E. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 8 day of April 1905.

D. E. Skaggs
Edw. E. Skaggs
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okemah, I. T., February 17, 1905.

In the matter of the application for the enrollment of Susie Holahta, deceased, as a citizen by blood of the Creek Nation.

KIZZIE SIMMER, being duly sworn, testified as follows:

Through Alex Posey official Interpreter:

BY COMMISSION:

- Q What is your name? A Kizzie Simmer.
Q How old are you? A I do not know my age.

Witness appears to be about twenty-five years old.

- Q Are you a citizen of the Creek Nation? A Yes, sir. (nearest P.O. is Okemah)
Q To what town do you belong? A Fishpond.
Q Did you know a child of Nocus and Arlinda Holahta named Susie? A Yes, sir, she was about as large as this girl here (indicating a little girl present who appears to be about six years of age)
Q What is that child's name? A Louina Simmer.
Q Do you know when Susie died? A I have no idea how long she has been dead but she has been dead a long while.
Q Do you remember the circumstance of the opening of the Creek Land Office? A yes, sir.
Q Did Susie die before or after the opening of the land office? A I think she died before the land office opened.
Q Can you state positively that she died before the land office opened? A yes, sir.
Q About how many years do you think she has been dead? A I do not know. I never bothered myself about dates.
Q Was your child, Louina, born before or after Susie died? A Susie died a long time before Louina was born and before that boy was born. (indicating a boy who is present and appears to be at least eleven years of age)
Q What is that boy's name? A Josie (Joe) Simmer.

---ooo000ooo---

I, D. C. Shaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 8 day of April 1905.

Edward S. Shaggs
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Okemah, I. T., October 19, 1905.

In the matter of the application for the enrollment of Susie Holahta, deceased, as a citizen by blood of the Creek Nation.

ARLINDA HOLAHTA, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

Q What is your name? A Arlinda Holahta.

Q How old are you? A I do not know how old I am.

Witness appears to be about fifty years old.

Q What is your post office address? A Okemah.

Q Are you a citizen of the Creek Nation? A Yes, sir.

Q To what town do you belong? A Green Leaf.

Q Did you have a daughter named Susie? A Yes, sir.

Q Do you know when she died? A No, sir. I have never been able to determine the exact date of her death.

Q Have you ever executed an affidavit as to her death? A I have a faint recollection of signing some paper for Alice Davis.

Q There is on file in the office of the Commissioner an affidavit, executed by you and Pilot, May 5, 1902, stating that Susie Holahta died on the ninth day of September, 1899? A I do not now remember executing such affidavit. If such affidavit was ever executed it must have been executed by Alice Davis without my knowledge.

Q Who is Pilot? A He is a boy who lives with us. I cannot understand how his name was signed to an affidavit, because he would have been only a child at that time. He could not have possibly known the date of Susie's death.

Q How old is Pilot? A He is not yet ten years old.

Q Is Pilot a relative of yours? A He is a child of my sister who is dead.

Q Did Alice Davis ever come to see you with reference to making application for the enrollment of Susie? A I do not remember of ever having a conversation with her about Susie.

Q How many years do you think it has been since Susie died? A I do not know.

Q Did you have another daughter named Salama? A Yes, sir.

Q Do you know when she died? A I do not know. She died with the smallpox, in this house here. She was the wife of Osa Henaha.

Q Was Susie living at the time Salama died? A No, sir.

Q How long after Susie had been dead when Salama died? A According to my best recollection Susie had been dead something like two years when Salama died. Salama is also known as Selina.

Q Which died first Salama or Osa Henaha? A Salama died first.

Q How long after Salama died before Osa Henaha died? A Four days afterwards. After Salama died Osa Henaha was taken to the smallpox pest-camp at Hillabee Hutohe and died there.

Q Was that in the Spring of the year or in the Winter? A I think it was in April.

Q Was the weather cold? A Yes, sir.

Q What time in April was it? A About the first.

Q Have you a daughter named Larney? A Yes, sir. This is her.

(indicating a girl who appears to be about 14 years of age)

Q How old is Larney? A I don't know. You might tell by looking at her teeth.

V. 55-2-----2,
This testimony is made part of the record in Creek enrollment case No. 484, and Creek Indian Card case, No. 2677.

---ooo000°oo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 30 day of Dec 1905.

Edw. L. Grier
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Okemah, I. T., October 20, 1905.

In the matter of the application for the enrollment of Susie Holahtha, deceased, as a citizen by blood of the Creek Nation.

JONAS BEAR, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Jonas Bear.
Q How old are you? A Thirty.
Q What is your post office address? A Okemah.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Green Leaf.
Q Did you know Susie Holahtha, a child of Arlinda and Neous Holahtha?
A Yes, sir, Susie was my sister.
Q Do you know when she died? A She died September 19, 1898.
Q How do you fix the date of her death? A By the record on the head-board of her grave. The record was written by Dick Fat, in my presence. It is now too dim to be read on account of long exposure to the weather.
Q Where was Susie buried? A At my father's house.
Q Is Dick Fat living? A Yes, sir. He is in the penitentiary at Atlanta, Georgia, for selling whiskey.
Q You are positive are you that Susie died September 19, 1898? A Yes, sir.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did Susie die before or after the opening of the land office? A Before. People did not begin filing upon their allotments until the next year after her death.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

subscribed and sworn to before me this 30 day of Dec 1905.

Edw C. Skaggs
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

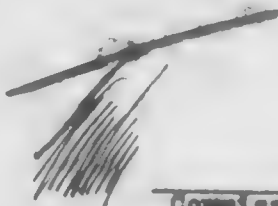
In the matter of the application for the enrollment of Susie Helahta, deceased, as a citizen by blood of the Creek Nation.

DECISION.

May 13, 1902, an affidavit was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, in the matter of the death of Susie Helahta, deceased, which affidavit is considered in the nature of an original application for her enrollment as a citizen by blood of the Creek Nation. Further proceedings were had February 17, October 19 and October 20, 1905.

The weight of evidence in this case establishes the date of death of Susie Helahta, deceased, as prior to the opening of the Creek land office, April 1, 1899, being the date of said opening, and prior to the burning of the Charley Coker posthouse, which occurred March 29, 1899, as shown by report of the Commission to the Five Civilized Tribes, under date of June 14, 1905, in the matter of the right to enrollment of Molly Pixie, et al., as citizens of the Creek Nation. A copy of said report is attached to and made a part of the record in this case.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Susie Helahta, deceased, as a citizen by blood of the Creek Nation, and the application for her enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

JUN 28 1906

Cr. I. 3532.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Okean, Indian Territory, November 1, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith testimony taken October 19 and 20, 1905, in the matter of the application for the enrollment of Susie Holakta, deceased, as a citizen by blood of the Creek Nation, together with a copy of Creek Indian card field number 3532 and copies of the testimony heretofore taken in said case.

Respectfully,

Ally Perry
Clerk in Charge Creek Field Party.

INDEXED

COMMISSIONER TO THE SENATE	
No.	Received
49693	
1905	NOV 2 1905

E. C.

Posey, Alex,
Okeniah, I. T.,
Nov. 1, 1905.

Transmits testimony in re application for enrollment of Susie Holanta, deceased, as a citizen of the Creek Nation.

CHIEF OF BUREAU

945
Cr. In. 898.

Muskogee, Indian Territory, June 30, 1906.

Arlinda Holahta,

Okemah, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Civilized Tribes in the matter of the application for the enrollment of Susie Holahta, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Register.
IM-104.


Commissioner.

945
Ex Cr.En.800.

Muskogee, Indian Territory, June 30, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Susie Holanta, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,



IM-105.

Commissioner.

745
Cr. In. 222.

Muskogee, Indian Territory, June 30, 1906.


The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Susie Molahta, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner, dated June 28, 1906.

Respectfully,



IM-106.

Commissioner.

Through the
Commissioner of Indian Affairs.

D.C .611-1907.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

I.T.D.25566-1906.

December 27, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 30, 1906, you transmitted the record in the matter of the application for the enrollment of Susie Holhata, deceased, as a citizen by blood of the Creek Nation, including your decision of June 28, 1906, adverse to the applicant.

Reporting December 17, 1906 (Land 56638), the Indian Office recommended that your decision be approved. A copy of its letter is enclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the matter have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Tyan,

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

1 inc. and 2 to Ind. Of.

DEPARTMENT OF THE INTERIOR,

Land
56638-1906.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

December 17, 1906.

(Copy)

The Honorable,

The Secretary of the Interior,

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated June 30, 1906, transmitting the record relative to the application for the enrollment of Susie Holahta, deceased, as a citizen of the Creek Nation.

On May 13, 1902, an affidavit was filed with the Commission to the Five Civilized Tribes at Muskogee, I.T., in reference to the death of Susie Holahta, which affidavit was considered as an application for the enrollment of Susie Holahta as a citizen by blood.

On June 28, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

A preponderance of the evidence establishes the fact that Susie Holahta died prior to April 1, 1899. A copy of the report of the Commission in the enrollment case of Molly Fixico, et al., under date of June 14, 1905, which aids in establishing the date of the death of the applicant is with the record.

In view of the provisions of Section 28 of the Act of March 1, 1901 (31 Stat. L.861) the decision of the Commissioner adverse to the applicant is recommended for approval.

Very Respectfully,

C.F. Larrabee, Acting Commissioner

HRD-SD

Muskogee, Indian Territory, January 9, 1907.

Arlinda Holahta,

Okemah, Indian Territory.

Dear Sir:

You are hereby advised that on December 27, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Susie Holahta, deceased, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, January 9, 1907.

M. L. Mott,

Attorney for Creek Nation.

Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that on December 27, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Sasic Hohahta, deceased, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

CR

EN 946

CR EN 946

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, I. T., October 10, 1904.

C. 2315.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Concharde Harjo as a citizen by blood of the Creek Nation.

SAM SCOTT, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Sam Scott.
Q What is your age? A I couldn't tell you.
Q About 30 or 35? A Yes, sir.
Q What is your post office address? A Edna.
Q Are you the Town King of Artusse Town? A Yes, sir.
Q Did you know Concharde Harjo? A Yes, sir.
Q He is dead is he? A Yes, sir.
Q How long has he been dead, to your best judgment? A I couldn't say.
Q Do you know when he died? A He died in the month of February is all I can say.
Q You don't know the year? A No, sir, don't know what year.
Q Do you know whether he died before the Creek Land Office opened or after? A I believe after the land office opened.
Q You are positive he died in February? A Yes, sir.
Q Who would be likely to know when he died? A His son will be here to-day.
Q What is his son's name? A Sulphur Harjo.

---0000000000---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 14th day of November 1904.

John H. Rogers
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chualar, I. T., October 14, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Oencharde Harjo as a citizen by blood of the Creek Nation.

LEVI MITCHELL, being duly sworn, testified as follows:

Through Alex Pessey Official Interpreter:

By Commission:

- Q What is your name? A Levi Mitchell.
Q How old are you? A I don't know but think I am about fifty years old.
Q What is your post office address? A Tuskagee.
Q Are you a member of the House of Warriors for Artusene Town? A Yes, sir.
Q Did you know Oencharde Harjo? A Yes, sir.
Q He is dead is he? A Yes, sir.
Q Did he die before the Creek Land Office opened or after? A He died a good while before the land office opened.

---ccc00ccc---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 14 day of Nov., 1904.

Charles F. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okemah, I. T., February 21, 1905.

In the matter of the application for the enrollment of Concharte Harjo, deceased, as a citizen by blood of the Creek Nation.

HOTULKE HARJO, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Hotulke Harjo.
Q How old are you? A About 66.
Q What is your post office address? A Okfuske.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Nuyaka.
Q Were you acquainted with Concharte Harjo? A Yes, sir, I was well acquainted with him. He was a member of Artusse Town.
Q Do you know when he died? A I do not know when he died nor how long he has been dead.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did he die before or after the opening of the land office? A I think he died since the land office opened.
Q Do you know how long after? A I cannot say.
Q Who was chief of the Creek nation at the time he died? A He died during Porter's first administration.
Q Do you know what time during Porter's first administration? A I do not know. I only know that he had served as member of the Council a long time and was succeeded by Tularsee Scott and lived sometime after the change of administration.
Q Did he serve as Council member during the administration of Ispahache? A Yes, sir. He went out of office with Ispahache and died during Porter's first administration.
Q Did he have a family? A He has a son living, but I do not know his name. I do not know whether his wife is living now or not.
Q Are you positive that he died after the land office opened? A Yes, sir.

---oooOoo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 8 day of April 1905.

D. C. Skaggs
Notary Public.

C. 2315.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Okemah, I. T., October 21, 1905.

In the matter of the application for the enrollment of Concharte Harjo, deceased, as a citizen by blood of the Creek Nation.

SULPHUR HARJO, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Sulphur Harjo.
Q How old are you? A I am near forty.
Q What is your post office address? A Edna.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Artusge.
Q Did you know Concharte Harjo? A Yes, sir.
Q What relation was he to you? A He was my father.
Q Do you know the date of his death? A I have a record of his death but it is at home. It occurs to me that he died in February.
Q In what year? A In the year the Creek Land Office opened. When I appeared before the Commission to select land for myself I had the record referred to, and was told that I might, after while, be able to file upon land for my father also. When I again appeared before the Commission I was informed that he died to early.
Q Are you positive that he died in the year the Creek Land Office opened? A Yes, sir. He died in February of that year.
Q Did you ever execute an affidavit relative to your father's death? A I do not remember of executing any affidavit.
Q There is on file in the office of the Commissioner an affidavit, executed by you May 9, 1901, stating that Concharte Harjo died April 12, 1899. Is the date as given in that affidavit correct or not? A The date is not correct. He died on the 12th day of February, 1899. The record I had, when I appeared before the Commission, to file on land for myself, was taken from a statement I had got at the store for the burial cloths I bought for my father. The date was February 12, 1899. A mistake was made in that affidavit as to the month.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 30 day of Decr, 1905.

Edw Wells
Notary public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Conchart Harjo, deceased, as a citizen by blood of the Creek Nation.

SUPPLEMENTAL STATEMENT.

The records of this Office show that on May 9, 1901, the name of Conchart Harjo was listed for enrollment on Creek Indian Card, Field No. 2315. On said card appears the following note:

"Bill of goods purchased for burial purposes for No. 1 (Conchart Harjo) and exhibited to us at Okmulgee in December, 1901, shows date of February 12, 1899; and James Town refused to make affidavit that No. 1 died April, 1899." Signed "Angell and Martin."

Mr. Angell was formerly Clerk in Charge of the Creek Enrollment Division of the Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

January 6, 1906.



Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Conchart Harjo, deceased, as a citizen by blood of the Creek Nation.

.....DECISION.....

The record in this case shows that on May 9, 1901, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavit of Sulphur Harjo relative to the death of his father, Conchart Harjo, which said affidavit is considered as an application for the enrollment of said Conchart Harjo, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had October 10, 1904, October 14, 1904, February 21, 1905, October 21, 1905 and January 6, 1906.

The evidence shows that said Conchart Harjo, deceased, died in the month of February, 1899.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Conchart Harjo, deceased, as a citizen by blood of the Creek Nation, and the application for his enrollment as such is accordingly denied.

Muskogee, Indian Territory,

MAR 12 1906



Commissioner.

C. 2315.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Okemah, Indian Territory, November 1, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith testimony taken October 21, 1905, in the matter of the application for the enrollment of Concharte Harjo, deceased, as a citizen by blood of the Creek Nation, together with a copy of Creek Indian card field number 2315 and the copies of the testimony heretofore taken in said case.

Respectfully,

Ally P. Stacy
Clerk in Charge Creek Field Party.

COMMISSIONER TO THE		INDEXED	
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1905			

Possey, Alex,
Okemah, I. T.,
Nov. 1, 1905.

Transmits testimony in re
application for enrollment of
Concharte Harjo, deceased as
a citizen of the Creek Nation.

CREEK ENROLLMENT

Cr.Mn. 940

Muskogee, Indian Territory, March 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Conchart Harjo, deceased, as a citizen by blood of the Creek Nation including the decision of the Commissioner to the Five Civilized Tribes, dated March 12, 1906.

Respectfully,

Through the Commissioner
of Indian Affairs.

Acting Commissioner.

KRA-2

Gr. No. 948

Washkagee, Indian Territory. March 13, 1906.

Sulphur Harjo,

Hana, Indian Territory.

Dear Sir:

There is enclosed herewith one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Conchart Harjo, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Wm. O. Beall.

A-P

Acting Commissioner.

Muskogee, Indian Territory. March 13, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Conchart Harjo, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Wm. O. Beall.

Acting Commissioner.

I.T.D. 21030-1906.

DR.LIB.LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, October 24, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of October 17, 1906 (Land 23941), a copy of which letter is inclosed for your information, and in conformity with section 20 in the act of Congress approved March 1, 1901 (31 Stat., 861), providing for the enrollment of all citizens of the Creek Nation living on April 1, 1899, your decision of March 12, 1906, denying the application of Sulphur Harjo for the enrollment of his deceased father, Conchart Harjo, as a citizen of the Creek Nation is hereby affirmed, on the ground that the evidence establishes that Conchart Harjo, deceased, died in the month of February, 1899.

The record has this day been returned for the files of the Indian Office.

Respectfully,

E.A.Hitchcock,

Secretary.

1 inc. and 2 to Ind.Of.

Through the Commissioner
of Indian Affairs.

Refer in reply to the following:
Land: 23941-1906.

COPY

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith report from the Commissioner to the Five Civilized Tribes, dated March 13, 1906, transmitting the record relative to the application of Conchart Harjo, deceased, as a citizen of the Creek Nation.

On May 9, 1901, Sulphur Harjo filed an affidavit relative to the death of his father, Conchart Harjo, with the Commission at Muskogee, Indian Territory, and the affidavit is considered as an application for the enrollment of Conchart Harjo, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had in reference to the application on October 10, 1904, October 14, 1904, February 21, 1905, October 21, 1905 and January 6, 1906. On March 12, 1906, the Commissioner held that the applicant was not entitled to enrollment. The record in the case shows that Conchart Harjo, deceased, died in the month of February 1899.

In view of the act of Congress of March 1, 1901, (31 Stats. 861), and also in view of the fact that the evidence established beyond a doubt that the deceased did die in February, 1899, the decision of the Commissioner is recommended for approval and it is further recommended that the application for the enrollment of Conchart Harjo, deceased, as a citizen by blood of the Creek Nation be denied.

Very respectfully,

C.F. Larrabee, Acting Commissioner

HRD-BHG.

En 10220
996

Muskogee, Indian Territory, November 2, 1906.

N. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of October 24, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated March 12, 1906, denying the application for the enrollment of Gonchart Harjo, deceased, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

En 996

Muskogee, Indian Territory, November 2, 1906.

Sulphur Harjo,

Edna, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of October 24, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated March 12, 1906, denying the application for the enrollment of your father, Conchart Harjo, deceased, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

CR EN 947

CR EN 947

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chualar, I. T., October 28, 1904.

In the matter of the application for the enrollment of Daniel, Mariah and Jessie Marje as citizens by blood of the Creek Nation.

JIM RINE, being duly sworn, testified as follows:

Through Alex Pacey Official Interpreter:

Commission:

- Q What is your name? A Jim Rine.
Q What is your age? A Fifty-six.
Q What is your post office address? A It was Masson but it has been changed to Hannah.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Did you know Daniel Marje? A Yes, sir.
Q Is he living or dead? A He is dead.
Q How long has he been dead? A I was informed by a relative of his last summer that he was dead and I inferred from his statement that he had been dead but a short time.
Q Where was he living when he died? A He died in the Seminole Nation.
Q Had you known him a long time? A I had known him by reputation a long time but had not know him personally very long.
Q Do you know his wife, Mariah? A Mariah is not his wife, she is his sister.
Q Do you know Mariah? A She has been to my house and I heard of her a long time but I have never seen her.
Q Is she living? A I was informed by her husband that she is living.
Q What is her post office address? A I do not know where her post office is.
Q Who could give us information about that? A Washington Riley would probably be a good witness.
Q What is Washington Riley's post office? A He lives in the same neighborhood with Mariah.
Q Do you know his post office? A No, sir, but he is her neighbor.
Q Do you know a child of Mariah's named Jessie? A I have never seen the child but I have been told she has a child by that name. When the 1895 Payment was made the Town Officers heard that she had a child and they named it Jessie and she may have given it another name.
Q Do you know whether that child is living or not? A I saw her husband the other day at Speakee and he gave me a list of her children.
Q Who is her husband? A I know he is a member of Hutechuppa Town. I think his name is Sloan. I know the children are named Sloan.
Q Will you probably see Mariah's husband anytime soon? A I meet him in Speakee frequently.
Q When you see him you tell him that it is very important that some one attend to this matter for Mariah. Righter he or Mariah ought to come to Muskages and attend to this? A All right.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken at said place on said date.

Subscribed and sworn to before me this 4 day of Nov, 1904.

Charles H. Sawyer Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Waloetka, I. T., November 8, 1904.

In the matter of the application for the enrollment of Daniel, Mariah and Jessie Harjo as citizens by blood of the Creek Nation.

PETER SLOAN, being duly sworn, testified as follows:

Through Alex Peasey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Peter Sloan.
 Q How old are you? A Forty or over.
 Q What is your post office address? A Henryetta.
 Q Are you a citizen of the Creek Nation? A I am a Seminole.
 Q Did you know Daniel Harjo? A Yes, sir, he was the brother of my wife.
 Q Is he living? A Dead.
 Q How long has he been dead? A He died in February of this year.
 Q To what Creek Town did he belong? A Weogufke.
 Q Where was he living when he died? A In the Seminole Nation.
 Q Do you know where he took his allotment? A It is my understanding that he was enrolled in the Seminole Nation and participated in the per capita payment there, and I suppose took his allotment over there.
 Q Do you know Mariah? A Yes, sir.
 Q What relation is she to Daniel Harjo? A She is his sister.
 Q Is she living? A Yes, sir.
 Q Where is she living? A She is living about four miles south of Senora.
 Q Is she any relation of yours? A She is my wife.
 Q Has she taken her allotment? A I think she was given an allotment in the Seminole Nation by the Commission.
 Q To what Creek Town does she belong? A Weogufke.
 Q Do you know whether she was enrolled in the Seminole Nation with her brother and drew money there or not? A Yes, sir.
 Q Has she ever made any effort to select land for herself in the Creek Nation? A No, sir, but I think she was filed by the Commission in the Seminole Nation.
 Q Do you know a child of hers named Jessie Harjo? A Yes, sir, that was the name given to the child by the Weogufke town officers.
 Q Is this child a boy or a girl? A It is a boy.
 Q Is he living? A Yes, sir.
 Q How old is he? A About eight years old.
 Q Do you know whether Jessie has been given an allotment? A I think Jessie was also arbitrarily filed with his mother in the Seminole Nation by the Commission.
 Q Has Mariah any other children living? A Yes, sir.
 Q What are their names? A Lillie, a boy and Loney, also a boy.
 Q How old is Lillie? A A little over two years old.
 Q How old is Loney? A Not quite a year old.
 Q If it should be found that Mariah and her son Jessie have not been given allotments in the Seminole Nation and are entitled to enrollment in either the Creek or Seminole Nations in which nation would she desire to take her allotment? A She desires to take her allotment in the Creek Nation.
 Q Has Mariah ever received a certificate of allotment for herself and son in the Seminole Nation? A No, sir.
 Q How do you know that land has been selected for her and her son in the Seminole Nation? A She was notified by Tom Palmer, a band chief, that she had been allotted land in the Seminole Nation.

C. 8712- 3367-----2

Q When did she receive this information? A I think it was about two years ago.

Q By what name is she known in the Seminole Nation? A She is known by the name of Lodie Martin.

Q By what name is Jessie known in the Seminole Nation? A Lodie Martin.

---000000000---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 14 day of November, 1904.

D. C. Skaggs
W. H. Campbell
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Sonora, T., June 19, 1905.

In the matter of the application for the enrollment of Daniel, Mariah and Jesse Harjo as citizens by blood of the Creek Nation,

LODIE SLOAN, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A Lodie Sloan.

Q How old are you? A I do not know.

Witness appears to be about twenty-eight years of age.

Q What is your post office address? A Henryetta.

Q Are you a citizen of the Creek Nation? A Yes, sir.

Q To what town do you belong? A Weogufks.

Q Were you ever enrolled as a citizen of the Seminole Nation? A Yes, sir.

Q Under what name are you enrolled in the Seminole Nation? A I am enrolled there as Lodie Marten.

Q Are you known by any other name in the Seminole Nation? A No, sir.

Q Have you been given an allotment in the Seminole Nation? A I have been informed that I was allotted land in the Seminole Nation but have no evidence of the fact.

Q Do you know Daniel Harjo? A Yes, sir, he is my brother.

Q Is he living? A He is dead.

Q When did he die? A He died in February of last year.

Q Where did he die? A In the Seminole Nation.

Q Was he enrolled as a citizen of the Seminole Nation? A Yes, sir.

Q Under what name? A Neethla or Nathan Marten.

Q Had he been given an allotment in the Seminole Nation at the time of his death? A He told me before he died that he had been given an allotment over there.

Q To what town in the Creek Nation did he belong? A Weogufks.

Q To what band did he belong in the Seminole Nation? A He belonged to Tom Palmer's band, which is also known as the Bufaula Band.

Q Are you enrolled in the Seminole Nation as a member of the same band? A Yes, sir.

Q Do you know Jesse Harjo? A Jesse is my child.

Q Is he enrolled as a citizen of the Seminole Nation? A Yes, sir.

Q Under what name? A Lotka.

Q Lotka what? A I think he is enrolled simply as Lotka but he may be enrolled as Lotka Marten.

Q Has Jesse been given an allotment in the Seminole Nation? A Yes, sir.

Q How old is Jessie? A Some where in the neighborhood of nine years old.

Q Under what name are you enrolled in the Creek Nation? A As Maria Harjo.

Q Under what name is Neethla or Nathan Marten enrolled in the Creek Nation? A As Daniel Harjo.

Q Under what name is your child, Lotka, enrolled in the Creek Nation? A As Jesse Harjo.

Q If it should be found that you and your child, Jesse Harjo or Lotka Marten, are entitled to rights in both the Creek and Seminole Nations in which nation do you elect to take your allotments? A In the Creek Nation.

D. 2712-3367-----2.

I, D. C. Skaggs, do hereby state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 17 day of JUL 17 1905.

Edw. L. Hines
Notary Public.

Henryetta Indian Territory, June 25, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

General:

There is enclosed herewith supplemental testimony in the matter of the application for enrollment of Daniel, Maria and Jessie Hargo as citizens by blood of the Creek Nation, together with copies of testimony heretofore taken in said case.

Respectfully,

Alley P. Bony

Clerk in Charge Creek Field Party.

INDEXED

947

COMMISSION TO FIVE TRIBES

No.	Received	DATE
31287	JUN 26 1905	
1905		

Posey, Alex,
Henryetta, I.T.,
Creek Nation,
June 23, 1905.

Transmits supplemental
testimony in Creek enroll-
ment case of Daniel Harjo
et al.

CRICK ENROLLMENT

✓
En. 949

Washago, Indian Territory, August 18, 1908.

Chief Clerk,

Seminole Enrollment Division.

Dear Sir:

May 22, 1901, Daniel Harjo and Maria Harjo were listed for enrollment on Creek Indian card, field No. 2712.

May 24, 1901, Jessie Harjo, a minor child of said Maria Harjo was listed for enrollment on Creek Indian card, field No. 3367.

It appears from testimony taken October 28, and November 8, 1904 and June 9, 1906, that said Daniel Harjo, Maria Harjo and Jessie Harjo are probably enrolled as citizens of the Seminole Nation; that said Maria Harjo is probably known as Maria Martin, that said Jessie Harjo is probably known as Letka Martin and that said Daniel Harjo is probably known as Neethia or Nathan Martin.

You are requested to advise this office whether said Daniel Harjo, Maria Harjo and Jessie Harjo, or any of them, have been enrolled as citizens of the Seminole Nation and if so whether any binding election has been made for their enrollment as such.

A copy of all the testimony in the case is herewith

✓
enclosed.

Respectfully,

Acting Commissioner

AG-15

Letter 1165

Muskogee, Indian Territory, January 29, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

On May 22, 1901, Daniel and Maria Harjo, and on May 24, 1901, Jessie Harjo, were listed upon Creek field cards numbers 2712 and 3367. On October 28, 1904, November 8, 1904, and June 19, 1905, testimony in the matter of their right to enrollment in the Creek Nation was taken.

It appears from the said testimony and the records of this office that Daniel, Maria and Jessie Harjo, are the identical persons whose enrollment as citizens by blood of the Seminole Nation was, on April 21, 1901, approved by the Secretary of the Interior, under the names, Nathan Marty, Rhoda Marty and Lott Marty, respectively, opposite numbers 128, 129 and 130 of the final Seminole roll. It further appears that on November 1, 1901, the said Nathan Marty (Daniel Harjo) appeared before the Seminole Land Office and selected in allotment lands in the Seminole Nation, and on June 28, 1902, allotments of lands in the Seminole Nation were arbitrarily allotted to Rhoda Marty (Maria Harjo) and Lott Marty (Jessie Harjo). Deeds for said allotments have been prepared but have never been signed or delivered.

It further appears that the said Daniel Harjo died in February, 1904; that he resided in the Seminole Nation at the date of his death and never during his life time made any election as

24

to which of the two nations he desired to be enrolled in, unless his selection of an allotment in the Seminole Nation could be considered as an election. Therefore, although it plainly appears that during his life time Daniel Harjo was entitled to be enrolled as a citizen by blood of the Creek Nation, there seems to be no reason why his enrollment as a citizen by blood of the Seminole Nation, should not stand as there has been no compliance with the provisions of the eighth paragraph of Section 21 of the Act of June 28, 1898 (30 Stats., 495).

The evidence taken in the matter of the application for these persons for enrollment as citizens by blood of the Creek Nation shows that Maria Harjo and her son, Jessie Harjo, resided in the Creek Nation and, so far as appears, they have always resided there. It does not appear that they have ever voluntarily taken any action to obtain their share of the distribution of lands and moneys in the Seminole Nation, their allotments therein having been made to them arbitrarily; their right as citizens by blood of the Creek Nation seems to be clear. On November 8, 1904, Peter Sloan for his wife, the said Maria Harjo and on June 19, 1905, the said Maria Harjo for herself and her son, Jessie Harjo, elected to take their rights in the Creek Nation. Section 21 of the Act of June 28, 1898 (30 Stats., 495) provides in part:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made then such claimant shall be entitled to such rights as in one

tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere.

I am of the opinion that the said Maria and Jessie Harjo have the right to elect to be enrolled as citizens by blood of the Creek Nation in spite of the fact that they have already been enrolled as citizens of the Seminole Nation. I therefore recommend that the enrollment of Daniel Harjo, under the name of Nathan Marty as his name appears opposite number 128 of the final roll of Seminole citizens by blood, be allowed to stand; that the enrollment of Maria and Jessie Harjo as their names appear opposite numbers 129 and 130 of the final Seminole roll of citizens by blood under the names of Rhoda Marty and Lott Marty respectively, be cancelled and that I be authorized to make such cancellation upon the copies of said roll in the possession of this office.

In view of the limited amount of time which remains during which, under the present law, the Department will have authority to enroll persons as citizens of the Creek Nation, I have prepared and transmitted herewith, a decision denying the application for the enrollment of Daniel Harjo, and granting the application for the enrollment of Maria and Jessie Harjo, as citizens by blood of the Creek Nation. In the same decision is an order formally cancelling the enrollment of said Maria and Jessie Harjo, as their names appear upon a partial roll of citizens by blood of the Seminole Nation.

To obviate the possibility that this decision might be

affirmed by your office, and either through mistake or lack of time the names of said Maria and Jessie Harjo should not be placed upon an approved schedule within the time now limited by law. I also transmit herewith a partial schedule of citizens by blood of the Creek Nation, bearing thereon, to be approved by you in the event this decision is affirmed, the names of these applicants, as follows:

No	Name	Roll	Town.
10108	Harjo, Maria	1890 1895	Weogufkee
10109	Harjo, Jessie	1895	Weogufkee

Respectfully,

TAMM BIXBY,

Commissioner.

Through the Commissioner
of Indian Affairs.

Inc.CM-21-1.

CR EN 948

CR EN 948

See CR C. #4076

CR EN 949

CR EN 949

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, July 17, 1895

In the matter of the application for the enrollment of
Lena Peters as a Creek freedman.

APPEARANCES: Merritt Hallick for applicant.
M.L.Mott for Creek Nation.

Lena Peters, being duly sworn, testified as follows:

By Commissioner.

- Q What is your name? A Lena Peters.
Q Is that your name now? A Yes, sir. My husband is dead but I go by his name.
Q How old are you? A Fifty eight years old. this coming December.
Q What is your post office address? A Lee
Q What was the name of your father? A Martin Beams
Q Is he dead? A Yes, sir. He was a citizen of the Cherokee, a Cherokee by blood.
Q Was he ever enrolled? A No, he died when I was small
Q What was the name of your mother? A Violet Austin. She had married again.
Q Is she dead? A Yes, sir
Q How long has she been dead? A Twenty seven years.
Q Was she a citizen of any nation? A Citizen of the Choctaw
Q Both your parents were Choctaw? A She was a Choctaw but my father was a colored man, part Choctaw, part Cherokee and part negro, his mother was a mulatto woman and free born
Q How do you make application as a Creek freedman? A I have been living in the Creek Nation all my days and I married here, married twice here
Q All the rights you claim is on account of living here? A Yes, I guess so. Lots of them claim it and get land and never have half as much right as I have.
Q What right do you claim in the Creek Nation? A By marriage and by blood both, by being blooded by Indians
Q But you are not a Creek by blood? A No I have no Creek blood in me but my children have
Q You are not making application now for your children but for yourself? A Yes, sir. The Commission asked me all these questions before and I told them I had been living here and married here, been here thirty seven years and I couldn't claim what I am not, I am Choctaw blooded
Q Were you ever recognized by the tribal authorities of the Creek Nation as a Creek citizen, by the legally constituted authorities? A I don't know
Q Did you ever draw any money from the Creek Nation or did any one else ever draw any for you? A No, sir
Q As you understand it any rights you might have in the Creek Nation would come from your having lived here and married here, is that the way you understand it? A I don't know, I just only did it from the laws
Q Did you ever make application for enrollment in the Choctaw Nation? A I am a Choctaw and I went to the principal chief of the Choctaw Nation and I went to his office and asked him wasn't there a way I could enroll here in the Creek Nation and he said

aren't you a Choctaw by blood and I said yes and he said the way the laws was, you go to the Choctaw chief and all you have to do is to tell him to give you a transfer and we can adopt any Indian by blood, get your transfer and come here but he didn't send it if he had of sent it, it would have been all right and I might then make application before the chief of the Creek Nation
Q Is that chief living? A Yes, Perryman
Q As you understand it you never were transferred from the Choctaw to the Creek Nation? A No, sir
Q As you understand it you have never been recognized by the tribal authorities of the Creek Nation? A I don't know

On Old Creek Freedman card 1286 appears the name Lena Peters, father Martin Beams, deceased, died before the war, mother Violet Johnson, deceased, Choctaw, Canadian town, slave of Camp Johnson October 4, 1902 was before the Commission and admitted that she was a non citizen. The last note being in pencil. Another note on said card made March 14, 1899, Lena Peters being a Choctaw slave is rejected.

On the same card appears the name of Louis Peter who was reported dead in October 1898, on the same card is Lulu Peter who was enrolled on C.F. card 1281, parents given thereon as William Peter of Canadian town and Lena Peter Choctaw slave of Camp Johnson. On the same card appears Fred and Tommie Peters on list on C.F. card 390, their parents are given as William Peter and Lena Peter Choctaw of Camp Johnson
Q Were you married to William Peter? A Yes, sir
Q Is he living? A No, sir, dead, died last December

By Hellick

Q When did you leave the Choctaw Nation? A Nearly forty years ago been living in the Creek Nation since I was a young woman
Q Have you resided in the Creek Nation ever since? A Came to the Creek Nation one year after peace was declared, after I married this man we went down to the Canadian river and stayed two years and then came back here and lived here ever since
Q How long since you married William Peters? A Thirty two years last gone February and he died last December
Q How many children have you? A Five, two dead and three living
Q These children were all allotted land? A The three that are living

I, Anna Garrigues, being sworn on oath state that the above and foregoing is a true and correct copy of my stenographic notes taken in said case on said date

Subscribed and sworn to before me this 18th day of July 1905

Anna Garrigues
Edw. C. Sieney
Notary Public

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lena Peters as a Creek freedman.

SUPPLEMENTAL STATEMENT.

Roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867 examined and the applicant herein is not identified on said roll. Tribal rolls of the Creek Nation in the possession of this office examined and the applicant is not identified on any of said rolls. Record of the proceedings of the Creek Citizenship Commission, commonly known as the Colbert Commission, examined and it does not appear that application was made to said commission for the admission of the applicant herein to citizenship in the Creek Nation.

Record of the proceedings of the Commission to the Five Civilized Tribes examined and it does not appear that application was made to said commission for the admission of the applicant herein to citizenship in the Creek Nation.

W. O. Beall
Acting Commissioner.

Muskogee, Indian Territory,

August 18, 1905.

No. 949.

I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lena Peters as a Creek freedman.

DECISION.

The records of this office show that prior to September 1, 1904, the name of Lena Peters was listed on Creek freedman card, field No. 86 which said card is considered as an application for the enrollment of said Lena Peters as a Creek freedman.

Further proceedings were had July 17 and August 18, 1905.

The evidence shows that the applicant was over fifty years old at the time she was listed on said card and that her name does not appear on the roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867.

The evidence further shows that the applicant herein has never been enrolled as a citizen of the Creek Nation, nor has she ever been admitted to citizenship in said nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes or the United States court in Indian Territory.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Lena Peters as a Creek freedman and the application for her enrollment as such is accordingly denied.



Commissioner.

Washoe, Indian Territory,

OCT 12 1905

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En. 949

Muskogee, Indian Territory, October 13, 1906.

Lena Peters,

Lee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of your application for enrollment as a Creek freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-7

En. 949

Muskogee, Indian Territory, October 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Lena Peters as a Creek freedman, including the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1906.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

AG-2

En. 949

Muskogee, Indian Territory, October 13, 1906.

Herbert Holick,

Attorney for Lena Peters,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Lena Peters as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-9

Muskogee, Indian Territory, October 13, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Lena Peters as a Creek freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

11949
DEPARTMENT OF THE INTERIOR,

I T D 14614-1905

WASHINGTON November 9, 1905.

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory

Sir:

October 13, 1905, you transmitted the record of the application of Lena Peters for her enrollment as a Creek freedman including your decision dated October 12, 1905, denying said application.

November 4, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision adverse to the applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision dated October 12, 1905 denying the application of Lena Peters for enrollment as a Creek freedman is hereby affirmed

Respectfully,

Thos Ryan
First Assistant Secretary

1 inclosure

Refer in reply to the following
Land 83793-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS

WASHINGTON November 4, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 13, 1905, transmitting the record of the application for enrollment as a Creek freedman by Lena Peters.

October 12, 1905, the Commissioner decided adversely to the applicant.

The record shows that the applicant is more than fifty years of age and that she is not identified on the Dunn roll; that she has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

G F Larrabee
Acting Commissioner

MMH W

✓
En. 949

Wahkago, Indian Territory, November 12, 1905.

Lena Peters,

Lee, Indian Territory.

Dear Madam:

You are hereby advised that under date of November 9, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying your application for enrollment as a Creek freedman.

Respectfully,

Commissioner.

No. 949

Muskogee, Indian Territory, November 15, 1905.

M. L. Hott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of November 9, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying the application of Lena Peters for enrollment as a Creek freedman.

Respectfully,

Commissioner.

✓
En. 949

Muskogee, Indian Territory, November 15, 1905.

Mr. Merritt Balick,

Attorney for Lena Peters,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of November 9, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying the application of Lena Peters for enrollment as a Creek freedman.

Respectfully,

Commissioner.

Red Bird, I. T. Feb. 17th 1906

To the Honorable Secretary of the Interior

Washing, D. C.

Dear Sir I Wish to invite your attention to a matter That deply
concerns me Here I am a citizen of this Indian territory Was Born
& raised Here & all & a Sidize By Blood I am a chackaw By Birth &
Came Here to the creek Nation in 1865 & married a Creek Sidizen & I
Have lived Here Every Since I Have Raised a family Here & I Have Ben
inrold Here as a creek Sidizen But I Have Never fild on Eney
Allotment yet I Want you Honorable Sir to inform Me Whether I Have
a right to file on Eney land Here or not I think I aught to Hav my
allotment as I have never Bin Permitted to file Eney Where

I Wish to Here from you at your Earliest convenene as I re-
main Everrespectfulley

Leaner Peters

Redbird, I. T.

RESIDENCE: _____

POST OFFICE: LeeCreek Nation. Freedmen Roll.CARD NO. 1225FIELD NO. 86

Dawes' Roll No.	NAME.	Relationship to Person first Named.	AGE.	SEX.	TRIBAL ENROLLMENT.			SLAVE OF--	REMARKS.
					Year.	District.	No.		
1	Peters Lena	S	24	f	Canadian	Camp Johnson			
2	Louis	S	24	m					
3	Lula	S	20	f					
4	Fred	S	18	m					
5	Pomroy	S	12	m					
6									
7									
8									
9									
10									
11	3/14/99 Lena Peters, being a Choctaw slave,								Alleged to be Choctaw citizens, but claimed never to have been recognized. Look up and if not on Choctaw rolls, place them on red cards.
12	is rejected; Nos. 3, 4 and 5 to be enrolled.								
13	by decision of A. S. McManis, Commissioner								
14	Nos. 3 & 4 transferred to Card No. 390. -								
15	Lula as Lula Barber								
16									
17									
18									

Oct. 4-1902

No. 1 was before the Commission and admitted that she was a non-citizen.

3/14/99 Wm Peters reports that his son Louis Peters died in Oct/98.

Printed numbers in first column refer to individual names on reverse side.

	NAME OF FATHER.	FATHER'S TRIBAL ENROLLMENT.			FATHER'S OWNER.	NAME OF MOTHER.	MOTHER'S TRIBAL ENROLLMENT.			MOTHER'S OWNER.
		Year.	District.	No.			Year.	District.	No.	
1	Martin Beans	Dec	died before the war			Viola Johnson	Dec	District		
2	Wm Peters					No 1				
3	" "					" 1				
4	" "					" 1				
5	" "					" 1				
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										

Wm Peters on DR 1523

CR EN 950

CR EN 950

see CR C 3385

CR

EN 951

CR EN 951

2476 B

A. 152.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Dustin, I. T., March 22, 1905.

In the matter of the application for the enrollment of Julia Smith, deceased, as a Creek Freedman.

HANNAH ROBERSON, being duly sworn, testified as follows:

BY COMMISSION:

Q What is your name? A Hannah Roberson.

Q How old are you? A I don't know my age.

Witness appears to be about fifty years of age.

Q What is your post office address? A Henryetta.

Q Are you a citizen of the Creek Nation? A Yes, sir.

Q To what town do you belong? A Canadian colored.

Q Do you know Rachel Smith? A Yes, sir.

Q Did you know a child of hers named Julia Smith? A Yes, sir.

Q Who was that child's father? A Island Smith.

Q Do you know when Julia died? A I was with her but I don't know what time she died. She died right in my hand.

Q How many years has it been since she died? A Couldn't tell you.

Q According to your best recollection how long has it been? A Well to my best recollection she died right along the same time they was filing.

Q In what time of the year? A I don't know.

Q Was it summer or winter? A It was along in the summer I think. Yes, sir, it was along in the summer.

Q Was it hot weather? A Yes, it was warm.

Q Do you remember the circumstance of the opening of the Creek Land Office, that is, when people first began filing? A No, sir.

Q Do you remember when Paro Bruner filed? A Yes, sir.

Q Was Julia living at that time? A Yes, sir, she was living. He was the one that took the age of Julia.

Q How long after that was it that she died? A I couldn't tell you nothing at all about that.

Q Are you positive that Julia was living at the time Paro Bruner appeared before the Commission at Muskogee and made selection of land for himself? A Ah! I don't know nothing at all about dat. Dat's a mystery hid from me.

Q When did you make selection of land for yourself? A I didn't make it. My husband made it.

Q Do you know when he made selection for you? A No, sir, I couldn't.

Q Was Julia Smith living at the time your husband filed upon his allotment? A Yes, sir, but when he filed I couldn't tell you. I don't know what year or nothing about it.

Q Did you ever execute an affidavit about the death of Julia? A Yes, sir.

Q How did you fix the date of her death at that time? A I couldn't tell you.

Q Did you know at that time when she died? A No, sir, his father was there.

Q Did you swear to what he told you? A Yes, sir, I had to when he knowed the date.

Q You simply swore to what he told you? A Yes, sir, they keep their own children's ages.

Q Do you know whether or not a record was made of the date of the death of Julia? A I don't know.

Q How old was Julia at the time of her death? A She was two years old.

Q You are

A. 152.---2.

- Q You are positive of that are you? A Yes, sir.
Q What relation was she to you? A Grandchild.
Q On July 29, 1902, you and Rachel Smith executed an affidavit that Julia was born September 21, 1896. At the same time you and Island Smith executed an affidavit that she died April 21, 1900. According to that she would have been more than two years old at the time she died? A She might have been. I just guessing how old she was myself. I ain't positive.
Q You are not positive about any of these dates then? A (No answer)
Q Did you know the dates at the time you executed these affidavits? A Yes, sir, her parents were there and she had the date and all put down and they knowed just when the child died but I don't know. Just as I tell you the mother's keep the age and I don't know.
Q You swore to what they told you? A Yes, sir, they had it down on a piece of paper and all.
Q And you swore to what they told you? A Yes, sir.
Q Do you know who was chief of the Creek Nation at the time Julia died? A Better I guess, I don't know.
Q Could Julia talk when she died? A Just beginning to talk plain. You know some can walk two or three years before they talk.
Q Do you know any one who would know when Julia died? A Her father would know.
Q What is his post office address? A I think it was Velestka.

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I, D. G. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me the 13th day of May, 1905.

D. G. Skaggs
J. M. Dismore
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, July 25, 1905

In the matter of the application for the enrollment of Julia Smith, deceased, as a Creek freedman.

Ned Holmes, being duly sworn, testified as follows:

By Commissioner.

- Q What is your name? A Ned Holmes
Q What is your age? A 50 the 17th of next November
Q What is your post office? A Claremore
Q Do you know Island and Rachel Smith? A Yes, I live about three miles from them.
Q Do you know a child of theirs named Julia? A Yes
Q Is she living? A Dead
Q How old was she when she died? A About three years
Q Do you know in what year that child died? A September 1899
Q Do you know in what year it was born? A Yes, sir in 1896, I forget it exactly but it was in the fall
Q How do you remember? A I know when I was married and it was born the same fall after I was married.
Q Did you keep a record of the birth and death of this child?
A Yes, I did
Q What did you keep it in? A On the 27th of Sept.
Q Did you keep it in a book? A No, just in my head. He sent for me to help make a coffin.
Q Are you a citizen of the Creek Nation? A Yes, sir
Q Filed on your land? A Yes, sir
Q Was this child living when you filed on your land? A No, dead when I filed on my land. I didn't file till 1900
Q How long had it been dead? A Only about five years this coming September
Q You don't understand the question, how long had the child been dead when you filed on your land? A About five months
Q Do you know if Island Smith made a record of this child's birth, wrote it down anywhere? A Yes, he wrote it down in a book
Q The dates of birth and death? A I don't know
Q What did you say he wrote on the book? A I don't know that I seen anything.

Witness is identified as Ned Holmes on creek freedman card field number 1148 and his name is contained in a partial list of Creek freedmen approved by the Secretary of the Interior March 28, 1902, roll number 4182. It appears from said card that a citizenship certificate was issued to said Ned Holmes February 15, 1900

- Q You say you filed on the land about five months after the child died? A Yes, sir
Q Did you attend the child's funeral? A Yes, sir
Q Did they make a coffin for it or buy one? A Made it
Q Did you help make it? A Yes, sir
Q Have you a child named Rena? A Yes, sir
Q Was Rena born when Julia Smith died? A Yes, sir
Q How old was Rena at the time Julia Smith died? A About eleven months, near about eleven months, Rena was born in August 1898

The records of this office show that Rena Holmes was born August 8, 1898

Q Do you know why Island Smith hasn't come in and attended to this child before now? A I don't know, he told me he had been working at it for some time.

Q He filed affidavit in this case three years ago and we notified him several times to come in and he has never been in, do you know why he neglected it? A No, sir

Francis Holmes, being duly sworn, testified as follows:

Q What is your name? A Francis Holmes.

Q What is your age? A 60

Q What is your post office? A Weleetka

Q Do you know Island Smith? A Yes, sir

Q Do you know his wife Rachel? A Yes, sir

Q Are they both living? A Rachel is dead

Q How long dead? A About two or three years may be as near as I recollect

Q Did you know a child of theirs named Julia Smith? A Yes, sir

Q Is she living or dead? A Dead

Q How old was she when she died? A About two years

Q Was she more than two or less than two? A I don't think she was more than two

Q Do you know what year she was born? A I don't but I know she was born in the fall

Q Do you know what year she died? A I don't know what year, she died in the same month she was born in, was born in September and died in September.

Q How many years ago did she die? A I don't know, about five years ago as near as I can guess at it, rough guess

Q Are you a citizen of the Creek Nation? A Yes, sir

Q Have you filed on your land? A Yes, sir

Q Was Julia Smith living when you filed on your land? A Yes, sir she was living when I went to the Okmulgee filing

Q How long after you filed on your land did she die? A I filed about a year before she died but I can't tell exactly.

Q You think she was just two years old when she died? A I think about two years old, may be more I can't tell. She was a grandchild of mine.

Q Are you the mother of the child's mother? A I am a great grand mother

Q Were you present at the birth of that child? A No, not exactly

Q How long before you saw it? It was born in the night and I went the next day to see it.

Q You are sure the child died after you filed on your land are you? A Yes, sir.

Island Smith, being duly sworn, testified as follows:

What is your name? A Island Smith.

Q What is your age? A 34

Q What is your post office? A Weleetka

Q Have you a child named Julia Smith? A Yes, sir

Q What was the name of Julia's mother? A Rachel

Q Is Rachel living? A No, dead

Q How long has Rachel been dead? A About three years.

Q Is Julia living? A No, sir, she's dead

Q Which died first Julia or her mother? A The mother

Q The mother died before Julia did did she? A Julia died first

Q In what year was Julia born? A Born in 1896

Q How old was she when she died? A Three years old
Q What time of the year was she born? A Born along in September
I disremembers what time, along in the fall of 1896
Q And she lived three years? A Yes, sir
Q What time of the year did she die? A She died in 1899
Q What time in the year? A Along in the fall
Q Was she just three years when she died or more than three
A She might have been more than three but three is as near as I
can tell
Q Are you sure she died in the fall? A Yes, sir in the fall, in
September
Q Do you remember going before a notary and making an affidavit
that she died on the 21st of May 1900
A Yes, I remember that we were at Okmulgee
Q How did you happen to do that? A It was a mistake, the way it
was done, I went before the Commission and they gave me three
blanks to take before the notary and I took it before the Notary
the mother of Julia and myself and went and had it filled out
as they told me to and they charged me 75 cents for the three and
I took it back to the Commission and they said it was a mistake
and I said it was the notary, I will take it back to the notary
and he said no, I will just take care of this and shoved it in
the safe and wouldn't give me no chance. The notary made the
mistake, he did the writing
Q How is it you waited so long, more than three years, before
doing anything more about the child? A It was dead and I did n't
know the dead could file.
Q Haven't you neighbors all around you who have filed for dead
children? A I found out and then I went to Okmulgee
Q And you filed this affidavit three years ago and haven't done
anything about it since? A I never did get any answer or notified
and I didn't know what to do but a short time ago I got an answer
from the Commission to bring in two witnesses and then I came all
right straight then, I came after I got notice
Q Who was the husband of Hannah Robinson? A Pompey Robinson
Q Was he present at the birth of this child? A No, sir
Q Was he present at the death? A No, he was at the burial, helped
dig the grave and make the coffin
Q Have you a record anywhere of the birth and death of this
child, did you write in the bible or book of any kind? A No, sir
Q When Hannah Robinson testified here when you and she made that
death affidavit that you and your wife had it written down on a
piece of paper, where did she get that from? A Written down on a
piece of paper
Q Yes that is what Hannah Robinson tells in her testimony that
you told her the date of the death and that you had it down on a
piece of paper? A Must have been a mistake
Q You made a lot of mistakes didn't you? A Yes, sir
Q Are you sure of the year the child died in? A Yes, sir
Q Have you always been sure of that? A Yes, sir
Q How did you come to put down 1900 in two affidavits
A The first one was a mistake, the commission got me bothered
when they asked me questions
Q Do they cross question you when you made affidavits? A Yes, sir
and I told the Commissioner then
Q Did the notary make two mistakes in the matter of the death?
A They made one that was three years ago at Okmulgee about the
death
Q You made two affidavits about the death you and Hannah Robinson
where was that? A I suppose the same place
Q In one you told the child died May 19, 1900 and one April 19,
1900 and now you say some time in the fall of 1899? A I never
made but one affidavit to the notary and paid two bits for it
that was the time I had been before Nichols

Q Here are three affidavits, two about the birth and one about the death. In one you state May and in one April 1900. Are you sure that those affidavits are not right? A Those affidavits are not right. We and the commissioners talked about it three years ago.

Q You told them then the child only lived a month? A I told them that was a mistake and they wouldn't let me correct it.

Q You told them at one time it only lived a month? A I didn't know, that was a mistake. He told me he didn't find but one mistake about the death. I told him let's step over to the notary and let him--

Q What mistake do you refer to? A About the death.

Q Did you tell them you had made a mistake in the year? A Yes, sir. They had it I said the child died and the wife and mother said it was living, something like that, that's the way the commission told me. That's all they told me about.

Q How can you tell four or five years away from the birth and death better about those dates than you could tell when it was fresh in your mind? A I think over it.

Q In 1902 you swore in the same day that this child died before you made the affidavit and that she died on the 21st of July 1900, when the thing was just two years old, then you swore that it was in the spring the child died and now when it is five years old, you come up here and swear that it died in 1900, how do you explain that? A It was a mistake.

Q Aren't you more likely to make a mistake now than when it was fresh in your mind? A I think it over.

Q How do you think it over? A I made three crops when this child was living.

Q Do you know the law about making filings for children? A No, sir I can't read. Yes I made three crops when the child was living that's the reason I said three years.

Q Are you sure that that child didn't die in the spring of 1899? A No, it didn't die in the spring.

Witness is identified as Island Smith on Creek freedman card field number 1400 and his name is contained in a partial list of Creek freedman approved by the Secretary of the Interior March 28, 1902, roll number 4706

Rachel Smith, mother of said child, is identified on the same card opposite roll number 4707

Q Do you remember when you filed on your land? A I filed when the commissioners were at Okmulgee the first time.

Q Was Julia living when you filed on your land? A Julia living, might have been--don't know date when I filed.

Q You remember when you filed was Julia living? A I don't remember whether she was dead or living but when I filed for my children she was dead. I filed for myself first.

Q Were you present when your wife Rachel died? A Yes, sir.

Q When did she die? A I don't know the date.

Q What year? A It was in the winter time, about three years ago.

Q What year did she die? A 1899.

Q Are you sure of that? A Yes, sir that was three years from this year.

Q 1899 was three years from this year was it? A It's been three years since she died.

Q What year did she die in? A I don't know.

Q Do you mean to tell me you can remember 1899 and you can remember anything about three years ago? A That's 1900?

Q I asked you what year did your wife die in, you say three years ago? A If it's three years it's bound to be 1902

Q I asked you when it was? A 1902

Q You are sure of that are you? A Yes, sir

Q Are you as sure of that as when your child died? A Yes, sir

Q You ought to be because that is more recent. You are sure it's 1902 but not sure of the month? A Yes, sir

Q Are you sure of the season of the year? A In the winter

Q Before Christmas or after? A A little before Christmas

Q You are sure of that, are you? A Yes, sir.

Q Did you have a child named Georgianna Smith? A Yes, sir, she is living now.

Q Was Julia living at the time Georgianna was born? A Yes, sir

Q Are you sure of that? A Yes, sir

Q How long after Georgianna was born before Julia died? A It wasn't very long.

Q Was it a month? A About two weeks.

The records of this office show that Georgianna was born on the 27th of November 1899-1899

Q Are you sure that your wife at whose death you were present died in 1902? A Yes, sir

Q Are you sure that she died in the winter just before Christmas? A Yes, sir

Q There is on file at this office an affidavit executed by Sam Island Smith relative to the death of Rachel Smith, his wife, in said affidavit it is stated that she died in the month of April 1903

Witness is notified that the testimony of Pompey Robinson is desired in this case and he will be allowed twenty days to have him before the Commissioner.

I, Anna Garrigues, on oath state that the above and foregoing is a full and true transcript of my stenographic notes taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this 26th day of July 1905

Edw. L. Shreeve
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Julia Smith, deceased, as a Creek Freedman.

DECISION.

The record in this case shows that on July 29, 1902, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavit of Island Smith, relative to the death of his minor child, Julia Smith, which said affidavit is considered as an application for the enrollment of said Julia Smith, deceased, as a Creek Freedman. Further proceedings were had March 22, 1905, and July 25, 1905.

The evidence shows that said Julia Smith, deceased, was the minor child of Island Smith and of Rachel Smith, and that the names of said Island and Rachel Smith are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, Roll Nos. 4706 and 4707, respectively.

The evidence further shows that said Julia Smith, deceased, was born during the year 1896, and that she died subsequent to April 1, 1899.

It is, therefore, ordered and adjudged that said Julia Smith, deceased, is entitled to be enrolled as a Creek Freedman, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and the application for her enrollment as such is accordingly granted.

Muskogee, Indian Territory,

Commissioner.

NOV 14 1905

UNITED STATES OF AMERICA :
INDIAN TERRITORY :
WESTERN JUDICIAL DISTRICT :

Know all men by these Presents:

That I, Pompey Robinson, hereby solemnly swear, that I am well acquainted with Island Smith, have lived along side of him for 14 years. I know that he was married to Rachel Holmes about 9 years ago and that there was born to them a child by the name of Julia, about one year or a little less after their marriage. that Julia Smith lived about 3 years and died in the fall of the year while I was cutting corn, five or six years ago now. I know it was that time because I have raised 3 crops since the death of this child. that I was present at the burial of the child and helped Ned Holmes make the coffin and dig the grave. Island Smith had other children named Cora, Georgiana, and Charlie all being born a little over a year apart. Julia Smith was buried in the burying ground about 60 rods from my house where her body still lies.

Dated at Veleetka, I. T. this 8th, day of August 1904.

Witness to mark
Pompey Robinson
R. J. Nixon
Robert Catlett

Pompey Robinson
his mark

Subscribed and sworn to by Pompey Robinson, well known to me as a creditable witness, who swore to the above statement after the same was read to him and understood by him, also appeared before me R. J. Nixon and Robert Catlett, who witnessed the mark of Pompey Robinson and also stated that they had read and explained to foregoing statement to Pompey Robinson who acknowledged that the answers given were his answers and that the foregoing statement is true.

J. C. Leachman
Notary Public

IN RE
THE DEATH OF

Julia Smith
a citizen of the

Crack Nation.

Approved 190

Commissioner.

Filed July 29th 1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Julia Smith
(Here insert name of deceased.)
 a citizen of the Creek Nation, who formerly resided at or near
McDermott, Ind. Ter., and died on the 2nd day of
April, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.

WESTERN

District. }

I, Island Smith, on oath state that I am
 years of age and a citizen, by birth, of the Creek Nation;
 that my post office address is McDermott, Ind. Ter.; that I am
(Here insert name of post office.)
the father of Julia Smith,
(State relationship as the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by birth, of the Creek Nation;
 and that said Julia Smith died on the 21st day of
April, 1900.

WITNESSED TO MARK:

(Must be Two
Witnesses.)

Gracie Greenhaw
L. W. Wilson

Island X Smith
 mark

Subscribed and sworn to before me this

29 day of

July

1902

My Commission Expires July 8, 1906.

B. H. Nicholas
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }

INDIAN TERRITORY.

WESTERN

District. }

I, Hannah Robertson, on oath state that I am 50
 years of age, and a citizen, by birth, of the Creek Nation;
 that my post office address is Okmulgee, Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with Julia Smith,
(Here insert name of deceased.)
 who was a citizen, by birth, of the Creek Nation;
 and that said Julia Smith died on the 21 day of
April, 1900.

WITNESSED TO MARK:

(Must be Two
Witnesses.)

Gracie Greenhaw
L. W. Wilson

Hannah X Robertson
 mark

Subscribed and sworn to before me this

29 day of

July

1902

My Commission Expires July 8, 1906.

B. H. Nicholas
 Notary Public.

IN RE
THE DEATH OF

Julia Smith
a citizen of the

Oreek Nation.

Approved _____ 190_____

Commissioner.

RECEIVED OF THE INTERIOR,
COMMISSION TO THE FIVE CARRIED WARR.
FILED

Filed July 29th 1902

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Julia Smith
(Here insert name of deceased.)
 a citizen of the Creek Nation, who formerly resided at or near
McDermott, Ind. Ter., and died on the 21st day of
May, 1900.
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
WESTERN District.

I, Island Smith, on oath state that I am 36
 years of age and a citizen, by birth, of the Creek Nation;
 that my post office address is McDermott, Ind. Ter.; that I am
(Here insert name of post office.)
father of Julia Smith,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by birth, of the Creek Nation;
 and that said Julia Smith died on the 21st day of
May, 1900.
(Here insert name of deceased.)

WITNESSED TO ME:

S. W. Farr

Island Smith
 mark

(Must be Two
 Witnesses.)

L. H. Sneed

Subscribed and sworn to before me this 29 day of July, 1902

My Commission Expires July 8, 1906.

C. H. Nicholas
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
WESTERN District.

I, Hannah Robertson, on oath state that I am 50
 years of age, and a citizen, by birth, of the Creek Nation;
 that my post office address is Okmulgee, Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with Julia Smith,
(Here insert name of deceased.)
 who was a citizen, by birth, of the Creek Nation;
 and that said Julia Smith died on the 21st day of
May, 1900.
(Here insert name of deceased.)

WITNESSED TO ME:

S. W. Farr

Hannah Robertson
 mark

(Must be Two
 Witnesses.)

L. H. Sneed

Subscribed and sworn to before me this 29 day of July, 1902

My Commission Expires July 8, 1906.

C. H. Nicholas
 Notary Public.

COPY.

B. A. 152.

Muskogee, Indian Territory, November 23, 1903.

Samuel Smith,

McDermott, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits relative to the birth and death of your minor child, Julia Smith, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

COMMISSIONERS:
TAMM HENRY,
THOMAS B. NEEDLES,
C. R. BRICKENRIDGE.

W. A. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

West
COVER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 30, 1905.

Island Smith,

Welsetka, Indian Territory.

Dear Sir:

The Commission acknowledges receipt of your letter of June 22, 1905, in which you ask at what time you will be permitted to appear before the Commission to give testimony relative to the birth and death of your daughter, Julia Smith. You do not state in what Nation you made application for the enrollment of said Julia Smith, deceased, nor when said application was made.

In reply you are advised that if you furnish the Commission with the information omitted in your communication of June 22, 1905, said communication will be duly considered.

Respectfully,



Chairman.

*Application for enrollment as a citizen of the
Creek Nation Your reference B. A. 152.*

1802	1802	1802
33053	1802	1802
NO. 2	Received	Book 688
COMMISSION TO FINE 18132		

INDEXED

Wesley,
Smith Island,
T.L.

Julia Smith as a Creek.
Relative to enrollment of

ENROLLMENT

Muskogee, Indian Territory, June 30, 1905.

Wesley, Indian Territory.

Dear Sir:

The Commission acknowledges receipt of your letter of June 22, 1905, in which you ask at what time you will be permitted to appear before the Commission to give testimony relative to the birth and death of your daughter, Julia Smith. You do not state in what Nation you made application for the enrollment of said Julia Smith, deceased, nor when said application was made.

In reply you are advised that if you furnish the Commission with the information omitted in your communication of June 22, 1905, said communication will be duly considered.

Respectfully,

Chairman.

Application for enrollment as a citizen of the

Muskogee, Indian Territory, July 11, 1906.

Island Smith,
Wapetka, Indian Territory.

Dear Sir:

There are on file at this office affidavits relative to the birth and death of your minor child, Julia Smith, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation.

It is desired that further evidence be submitted in the case.

You are therefore required to appear at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, with two witnesses, who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Commissioner.

Register.

Volostka, I. T. August 27th, 1908.

The Warer Commission.

Muskogee, I. T.

Gentlemen:-

Julius Smith just came in with Pompey Robinson, whose testimony, Morowith, was taken in my presence, and requests me to forward the same to you in the hopes of closing the case. He says there are several other witnesses who know positively about the death of Julia Smith and if you so desire he will forward their testimony or ask them to go to Muskogee to be examined by you.

Very respectfully,



In regard to

Enrollment of Julia Smith B. A. 152.

No. 38046
1905

Received
AUG 10 1905

Dixon, R. J.
Weslertka, I. T.
Creek Nation
Aug. 9.

Transmits affidavit relative
death of Julia Smith.

CREEK END (LAWNT)

CRE

En 9
#956

Handwritten signature: *Wm. L. G. [illegible]*

Rn.951

Muskogee, Indian Territory, November 14, 1906

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Julia Smith, deceased, as a Creek freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Julia Smith, deceased, will be regularly listed for enrollment as a Creek freedman.

Respectfully,

Commissioner

AG-951-1

Or Sn 951

Muskogee, Indian Territory, January 10, 1906.

Island Smith,

Waleetka, Indian Territory.

Dear Sir:

You are hereby advised that the name of your deceased minor child, Julia Smith, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior January 4, 1906, and that application by the legal representatives for the heirs of said child for a selection of land in the Creek Nation may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner,

CR EN 952

CR EN 952

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Senora, I. T., June 16, 1903.

In the matter of the application for the enrollment of Cogee Wesley as a citizen by blood of the Creek Nation.

LOSANNA LOWE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Losanna Lowe.
- Q What was your former name? A Losanna Toney.
- Q What were the names of your parents? A Peter Sloan and Wytsey Sloan.
- Q Were you ever known as Lowina Toney or Sloan? A Losanna Toney is the name under which I am enrolled.
- Q What is your age? A About twenty-five.
- Q What is your post office address? A Henrietta.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q To what town do you belong? A Kialigee.
- Q Did you have a child named Cogee Wesley? A Yes, sir.
- Q Who was the child's father? A Keeper Wesley.
- Q Was he your lawful husband? A Yes, sir, but we separated before the child was born.
- Q Was he a citizen of the Creek Nation? A Yes, sir.
- Q To what town did he belong? A Thlewathlee.
- Q When did your child, Cogee, die? A October, 26.
- Q Do you know in what year? A In the year previous to the birth of my child Foley.
- Q When was Foley born? A Foley was born March 6, 1903.
- Q Was there a record made of the death of Cogee? A Petka Johnson made a record for me at the time the child died.
- Q Did you ever execute an affidavit about the death of Cogee? A Yes, sir. I executed an affidavit before a notary at Henrietta.
- Q What is the name of the notary? A I do not know his name but he is Post-master at Henrietta.
- Q Is he post-master at the present time? A I think so.
- Q Who corroborated your affidavit? A Lydia Marten. She is now dead.
- Q Did Lydia Marten attend on you as mid-wife at the birth of Cogee? A Yes, sir.
- Q Where does Petka Johnson live? A He was arrested and taken to jail and I do not know where he is at this time.
- Q How old was Cogee at the time of her death? A The child was about two years old.
- Q When was she born? A She was born on the 15th day of May.
- Q Do you know in what year? A I do not know.
- Q Are you positive that the child was two years old? A I do not think the child was quite two years old.
- Q Was there a record made as to when the child was born? A No, sir.
- Q Are you positive that the child was born on the 15th day of May and died October 26, in the year preceding the birth of your child, Foley? A Yes, sir.
- Q Do you know whom any one who could give the Commission further information as to the birth and death of Cogee? A My father, Peter Sloan, would know, also the wife of Yardeka Harjo.
- Q In the affidavit executed by you and Lydia Marten, April 28, 1903, relative to the death of your child, Cogee, your name appears as Lowina? A It was an error of the notary public, my name is Losanna.
- Q Were you ever known by any other name? A The Indian sometimes call me Lowisa.

A. 123.---2.

I, D. O. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. O. Skaggs

Subscribed and sworn to before me this 17th day of July 1905.

Edw. W. Merrill
Notary Public.

A. 123.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
Sonora, I. T., June 19, 1905.

In the matter of the application for the enrollment of Cogee Wesley as a citizen by blood of the Creek Nation.

PETER SLOAN, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A Peter Sloan.

Q How old are you? A I do not know how old I am but some guess my age at forty-six.

Q What is your post office address? A Henryetta.

Q Are you a citizen of the Creek Nation? A I am a Seminole.

~~Q Am I a citizen of the Creek Nation? A I am a Seminole.~~

Q Do you know Losanna Lowe? A Yes, sir, she is my daughter.

Q Did she have a child named Cogee Wesley? A Yes, sir.

Q Who was the child's father? A Keeper Wesley.

Q Was Keeper Wesley the lawful husband of Losanna? A Yes, sir.

Q Do you know when Cogee ~~was~~ Wesley died? A I do not remember the month but the child died in the fall of the year.

Q About what time in the fall of the year? A I think it was sometime in October, because the weather was not yet cold.

Q Do you know in what year? A 1902.

Q How old was the child at the time of its death? A The child was walking and something like two years old, or not quite.

Q Do you know in what month and year the child was born? A I do not know. I think the child was born in the Spring of 1901. I am quite sure the child was not two years old.

Q Was Losanna Lowe ever known as Losanna Toney? A Yes, sir.

Q Was she ever known by any other name? A Her real name is Lowisa but she was enrolled by her Town King as Losanna.

Q You are positive are you that the child died in the Fall of 1902?

A Yes, sir.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 17 day of July 1905.

D. C. Skaggs
Edw. B. Green
Notary Public.

DEPARTMENT OF THE INTERIOR,
~~COMMISSION TO THE FIVE CIVILIZED TRIBES.~~
Senora, I. T., June 22, 1905.

In the matter of the application for the enrollment of Cogee Wesley, deceased, as a citizen by blood of the Creek Nation.

CRISTIE HARJO, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Cristie Harjo.
Q How old are you? A Over sixty
Q What is your post office address? A Senora.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Hickory Ground.
QQ Are you acquainted with Losanna Lowe and Keeper Wesley? A I know Losanna Lowe but was not acquainted with Keeper Wesley. I only knew him when I saw him. He is dead now.
Q Do you know a child of theirs named Cogee Wesley? A Yes, sir.
Q Do you know when that child died? A The child died October 26.
Q In what year? A I think it was in 1902.
Q Do you know when the child was born? A I do not know the date of the child's birth.
Q How old was the child at the time of its death? A It was somethin like two years old. The child was beginning to walk.
Q Are you positive that the child was two years old? A The child was about two years old. I do not know whether it was fully two years old or not.
Q Were you present when the child died? A Yes, sir.
Q Were you present when the child was born? A No, sir.
Q Was Losanna living in your neighborhood at the time the child was born? A The child was born in the Seminole Nation but at the time the child died Losanna was living at my house.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 17th day of July 1905.

D. C. Skaggs
Edw. C. Skaggs
Notary Public.

En 952

I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Gogee Wesley, deceased, as a citizen by blood of the Creek Nation.

SUPPLEMENTAL STATEMENT.

The records of this office examined and Lowina or Lesanna Lowe is identified on Creek Indian card, Field No. 2699, as Louisiana. Her name is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 28, 1902, Roll No. 7813.

The records of this office further examined, and Keeper Wesley is identified on Creek Indian card, No. 2888. His name is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 28, 1902, Roll No. 8098.

Muskogee, Indian Territory,

JULY 28, 1905



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Cogee Wesley, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on May 9, 1903, the affidavit of Lowina (or Louisiana) relative to the death of her minor child, Cogee Wesley, was filed with the Commission to the Five Civilized Tribes, which said affidavit is considered as an application for the enrollment of said Cogee Wesley, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had June 16, June 19, June 22, and July 28, 1905.

The evidence shows that said Cogee Wesley, deceased, was born prior to May 25, 1901, and that she died during the year 1902.

The evidence further shows that said Cogee Wesley is the minor child of Keeper Wesley and of Louisiana, and that the names of said Keeper Wesley and Louisiana are contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior March 28, 1902, opposite Nos. 8096 and 7813, respectively.

It is, therefore, ordered and adjudged that said Cogee Wesley, deceased, is entitled to be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the act of Congress June 30, 1902 (32 Stats., 500), and the application for her enrollment as such is accordingly granted.

Muskogee, Indian Territory,

JAN 12 1906



Commissioner.

Copy

8813

Muskogee, Indian Territory, May 11, 1903.

O. W. Neacham,

Henrietta, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of April 28, 1903, inclosing affidavit in the matter of the death of Cogee Wesley, and requesting that three or four blank forms of death affidavit be sent you. It is stated in said affidavit that Cogee Wesley was the child of Lowina, a citizen by blood of the Creek Nation.

The tribal rolls of the Creek Nation in the possession of the Commission have been examined and the name of Cogee Wesley is not found thereon; his mother is not definitely identified on the Creek tribal rolls, or the rolls of the Commission.

You are advised, that if the mother of said child will furnish the Commission with the names of her parents, the Creek town to which she claims to belong, and any other name or names which she or her child may have borne, the matter of said affidavit will receive further consideration.

In accordance with your request, there are inclosed four blank forms of death affidavit.

Respectfully,

4 D.C.

Commissioner, in Charge.

Henryetta, Indian Territory, June 23, 1905.

~~Commission to the Five Civilized Tribes~~

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith testimony in the matter of the application for enrollment of Cagee Wesley, deceased, as a citizen by blood of the Creek Nation. I am unable to obtain further evidence in this case, as the record referred to in the testimony has been lost or destroyed and the person who made it is out of the country.

Respectfully,

Alfred Posey

Clerk in Charge Creek Field Party.

INDEXED

COMMISSION TO FIVE TRIBES.			
No 31288	Received	RECEIVED	
		Book	Page
1905	JUN 26 1905		

Posey, Alex,
Henryetta, I.T.,
Creek Nation,
June 23, 1905.

Transmits testimony in
Creek enrollment case of
Cogee Wesley, deceased.

-CREEK ENROLLMENT-

Muskogee, Indian Territory, January 13, 1906.

K. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Cogee Wesley, deceased, as a citizen by blood of the Creek Nation.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of said Cogee Wesley, deceased, and if, at the expiration of said time, no protest has been filed, said person will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

JYM-13-6

REFER IN REPLY TO THE FOLLOWING:

Cr.En. 598-
952

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 23, 1906.

Losanna Lowe (or Tony),
Henryetta, Indian Territory.

Dear Madam:

You are hereby advised that the name of your minor child, Cogee Wesley, deceased, is contained in the partial list of citizens by blood of the Creek Nation, approved June 16, 1906, and that a selection of land in the Creek Nation may now be made for said Cogee Wesley by the administrator, at the Creek Land Office in Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,



Commissioner.

CR EN 953

CR EN 953

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Paden, I. T., March 17, 1905.

In the matter of the application for the enrollment of Kingo Wolf, deceased, as a citizen by blood of the Creek Nation.

WALLACE WOLF, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Wallace Wolf.
Q What is your age? A I am about forty-six years old.
Q What is your post office address? A Keokuk Falls, Oklahoma.
Q Are you a citizen of the Creek Nation? A I am a citizen of the Seminole Nation.
Q Did you have a child named Kingo Wolf? A Yes, sir.
Q When did that child die? A I think the child died the first of July.
Q In what year? A I do not know. The child died the same year it was born.
Q When was the child born? A On the morning of May 8.
Q Was there a record made of the birth and death of this child? A Yes, sir.
Q Have you that record? A Yes, sir.

The witness presents a piece of paper on which appears the following writing:

"Baby born May 8, 1901. Wenty morning and he been sick in do days and he died July 1, 1901."

- Q Who made this record? A Willie Mitchell.
Q When did he make this record? A He made the record sometime in July of the year in which the child died. He made it at my request.
Q Is Willie Mitchell living? A Yes, sir.
Q What is his post office address? A Keokuk Falls.
Q Does this record refer to the birth and death of Kingo Wolf? A Yes, sir. His name was Kimbo instead of Kingo.

Following the above entry is an entry which reads as follows:

"January 2nd 1899 Bun Wilson be in sick on Xmas night and he died 9 days."

- Q To whom does this record refer? A A brother of my wife.
Q Which died first; Bun Wilson or your child, Kimbo? A Bun Wilson died a long while before my child died.
Q How long before? A I think about a year or over.
Q Who made the record about the death of Bun Wilson? A The same man that made the record of the birth and death of my child.

Another entry on the piece of paper presented by the witness reads as follows:

"Sept. 16th 1898 Mehellie be in sick in four days and he died."

- Q To whom does this record refer? A Mehellie, the aunt of my wife, who died on the 16th of September.
Q How long was it after Mehellie died that your child Kimbo died? A Something like three years I think.

A. 181----2.

Q Were all of these entries made by Willie Mitchell at the same time? A Yes, sir, on the same day. At that time we thought the persons named in the records were entitled to land.

Q Was there any other record made of the birth and death of your child? A Yes, sir, I have a record written in the Creek Language. I have the record of the deaths of five of my children at home.

Q Who made the record which you have at home? A I made it.

Q Do you read and write Creek? A Yes, sir.

Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.

Q Was your child born and did it die before or after the opening of the Creek Land Office? A I think the child was born about two years after people began filing on their land.

Q How old was Kimbo at the time he died? A He was not quite three months old. He was born in May and died the first of July.

Q Are you positive that it was two years after the opening of the Creek Land Office that the child was born? A Yes, sir.

NANCY WOLF, being duly sworn, testified as follows:

Through Official Interpreter, Alex Posey:

BY COMMISSION:

Q What is your name? A Nancy wolf.

Q How old are you? A About thirty-eight.

Q What is your post office address? A Keokuk Falls, Okla.

Q Are you a citizen of the Creek Nation? A Yes, sir.

Q What town do you belong to? A Hitchitee.

Q Did you have a child named Kingo wolf? A Yes, sir, the child's name was Kimbo.

Q Was that a boy or a girl? A Girl.

Q Do you know when she died? A I have forgotten.

Q How many years has it been since she died? A I do not know.

Q How old was she at the time of her death? A I do not know. It was just a child.

Q Do you know when she was born? A No, sir.

Q In what time of the year was she born? A In the summer.

Q In what time of the year did she die? A In the summer-time.

Q Do you remember the circumstance of the opening of the Creek Land Office? A I suppose I do.

Q Did your child Kingo die before or after the opening of the land office? A People were filing at the time the child died.

Q Do you know any one who had made selection of land at the time the child died? A I cannot name any one but I know that many people had filed.

Q Did you ever execute and affidavit relative to the birth of this child? A Yes, sir.

Q Is the date as given in that affidavit correct? A Yes, sir, the date was taken from the record.

Husband" of the witness states that his wife" knows nothing about dates.

Q Have you made selection of land for yourself? A Yes, sir.

Q Do you know when you made selection of land? A I do not know.

Q Was it before or after the death of your child? A Afterwards.

The child was born and died after I filed.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 17th day of July 1905.

D. C. Skaggs
Notary public.

181

20

IN RE

Application for Enrollment of

INFANT CHILD

Kingo Wolf
as a citizen of

Oreek

Nation.

Approved,

190

Commissioner.

Marked on the Card

Green Mountain

Nov. 8, 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Kings Wolf, born on the 8 day of May, 1901
(Here insert name of child)
Name of Father: Wallace Wolf, a citizen of the Seminole Nation.
Name of Mother: Nancy Wolf, a citizen of the Creek Nation.
Post-office, Shokuk Falls, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Nancy Wolf, on oath state that I am 25
years of age and a citizen, by blood, of the Creek Nation;
that I am the lawful wife of Wallace Wolf, who is a citizen, by
blood, of the Seminole Nation, that a female child was
(male or female)
born to me on the 8th day of May, 1901; that said child has been
named Kings Wolf, and is now dead.

WITNESSES TO MARK

(Must be Two
Witnesses)

J. H. Patterson
J. E. Thompson

Nancy Wolf
Her mark

Subscribed and sworn to before me this 4th day of November, 1902.

Bessie Browning
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
District. }

I, Jogozie, a mid wife, on oath state that I
attended on Mrs. Nancy Wolf, wife of Wallace Wolf,
on the 8th day of May, 1901; that there was born to her on
said date a male child, child; that said child is now living and is said to have been
(male or female)
named Kings Wolf.

WITNESSES TO MARK

(Must be Two
Witnesses)

J. H. Patterson
Bessie Browning

Jogozie
Her mark

Subscribed and sworn to before me this 4th day of Nov, 1902.

Bessie Browning
NOTARY PUBLIC.

50

52

IN RE
THE DEATH OF

Kingo Wolf
a citizen of the

Nation.

Approved

1

Commissioner.

#9003

Born Mar, 8-1901

Died Mar 1-1901

July 15, 1901

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Kings Wolf
(Here insert name of deceased)
 a citizen of the Muskogee or Creek Nation, who formerly resided at or near
Mukasutka, Ind. Ter., and died on the 1 day of July 1901
(Here insert name of post office)

1

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

North

District.

I,

Wallis Wolfon oath state that I am 40years of age and a citizen, by Blood, of the Seminole Nation;that my post office address is Mukasutka, Ind. Ter.; that I amthe Father

of

Kings Wolf(State relationship, as: the father; an uncle; a cousin, etc.)(Here insert name of deceased.)who was a citizen, by Blood, of the Muskogee or Creek Nation;and that said Kings Wolf died on the 1 day ofJuly, 1901

WITNESSES TO MARK:

erals wolf(Must be Two
Witnesses)Subscribed and sworn to before me this 13 day of July 1901H. W. Tate
U.S. Commissioner Notary Public

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

North

District.

I,

Sinda Josephon oath state that I am 25years of age, and a citizen, by Blood, of the Seminole Nation;that my post office address is Kotuk Falls, Ind. Ter.;

that I was personally acquainted with

Kings Wolfwho was a citizen, by Blood, of the Muskogee or Creek Nation;and that said Kings Wolf died on the 1 day ofJuly, 1901

WITNESSES TO MARK:

Sinda Joseph(Must be Two
Witnesses)Spec. Wabawntz
Eddie PayneSubscribed and sworn to before me this 13 day of July 1901H. W. Tate
U.S. Commissioner Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Kimbo Wolf as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on November 8, 1901, the affidavit of Nancy Wolf relative to the birth of her minor child, Kingo Wolf, was filed with the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, which said affidavit is considered as an application for the enrollment of said Kingo Wolf, deceased, as a citizen by blood of the Creek Nation.

Further proceedings were had March 17, 1905.

It appearing that the correct name of said child is Kimbo Wolf, he is hereinafter referred to by that name.

The record shows that said Kimbo Wolf, deceased, was born May 8, 1901, and that he died July 1, 1901.

The evidence further shows that said Kimbo Wolf, deceased, was the minor child of Wals Wolf, a non citizen, and Nancy Wolf, and an examination of the records of this office shows that the name of said Nancy Wolf is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, Roll No. 6234.

It is, therefore, ordered and adjudged that said Kimbo Wolf, deceased, is entitled to be enrolled in accordance with the provisions of the act of Congress of June 30, 1902, (32 Stats. 500), and it is so ordered.



Muskogee, Indian Territory.

JAN 12 1906

COPY.

CCN

B. A. 181

Muskogee, Indian Territory, November 21, 1905.

Nancy Wolf,

Keokuk Falls, Oklahoma Territory.

Dear Madam:

There are on file with the Commission affidavits relative to the birth and death of your minor child, Kingo Wolf, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

En. 983

Muskogee, Indian Territory, July 28, 1905.

Chief Clerk,
Seminole Enrollment Division.

Dear Sir:

July 15, 1905, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Kingo or Kimbo Wolf.

It is stated in said application that said child was born May 8, 1901 and died in the month of July in the same year; that his father is Wallace Wolf, a citizen of the Seminole Nation, and his mother is Nancy Wolf, a citizen of the Creek Nation.

You are requested to advise the Creek Enrollment Division whether application has been made for the enrollment of said Kingo or Kimbo Wolf, as a citizen of the Seminole Nation and if so what disposition has been made of same.

Respectfully,

Commissioner.

H.F.

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 29, 1905.

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

Receipt is acknowledged of your letter of July 28, 1905, (En.953) stating that on July 15, 1902 an application was made to the Commission to the Five Civilized Tribes for the enrollment of Kingo (or Kimbo) Wolf, born May 8, 1901, son of Wallace Wolf, a citizen of the Seminole Nation, and Nancy Wolf, a citizen of the Creek Nation, and requesting to be advised if an application was ever made to the Commission to the Five Civilized Tribes for the enrollment of said child as a citizen of the Seminole Nation.

In reply to your letter you are advised that it does not appear from an examination of the records of this office that any application has ever been made for the enrollment of said Kingo or Kimbo Wolf as a citizen of the Seminole Nation.

Respectfully,



Commissioner.

Or En 953

Muskogee, Indian Territory, January 13, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Kimbo Wolf as a citizen of the Creek Nation.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of said Kimbo Wolf, and if, at the expiration of said time, no protest has been filed, said Kimbo Wolf will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

JYE-13-1

Cr.En. 953.

Muskogee, Indian Territory, June 23, 1906.

Nancy Wolf,

Keokuk Falls, Oklahoma Territory.

Dear Madam:

You are hereby advised that the name of your minor child, Kimbo Wolf, deceased, is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior June 16, 1906, and that a selection of land in the Creek Nation may now be made for said Kimbo Wolf, by the administrator, at the Creek Land Office in Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,

Commissioner.

CR EN 954

CR EN 954

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Holdenville, I. T., March 29, 1905.

In the matter of the application for the enrollment of Barney and Lizzie McCoy, deceased, as K citizens by blood of the Creek Nation.

BARNEY MCCOY, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

MY COMMISSION:

- Q What is your name? A Barney McCoy.
Q How old are you? A About thirty-two.
Q What is your post office address? A Holdenville.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Little River Tulsa.
Q Did you have a child named Barney McCoy? A Yes, sir.
Q What is the name of the child's mother? A Bettie McCoy.
Q Is she living? A She is dead.
Q To what town did she belong? A Tuckabatche.
Q Do you know when your child, Barney, died? A I made a record of the child's death but I have since lost it and I am unable to tell the exact date of his death.
Q According to your best recollection when did the child die? A I cannot say.
Q Did you ever execute an affidavit about the death of Barney? A Yes, sir.
Q According to an affidavit executed by you, January 15, 1902, and corroborated by Napoleon Harrison, the child died May 20, 1901,. Is the date as given in that affidavit correct? A Yes, sir.
Q How did you fix the date of the child's death at the time you executed the affidavit? A I fixed the date at that time with the record which I had.
Q How old was the child at the time it died? A The child was about five years old at the time of its death.
Q Do you remember the circumstance of the opening of the Creek Land Office? A I heard people talking about it but I do not now remember the year in which the land office opened.
Q Was your child Barney living at that time? A Yes, sir.
Q At that time how old was he? A It has been so long ago that I have forgotten how old he was at that time.
Q Was he able to walk? A Yes, sir.
Q Was the child old enough at that time to run errands? A Not quite.
Q Are you positive that the child was five years old at the time of its death? A Yes, sir.
Q Did you have a child named Lizzie? A Yes, sir.
Q Who was the mother of Lizzie? A Bettie McCoy.
Q Did you know when Lizzie died? A I do not know.
Q Did you ever execute an affidavit relative to the death of Lizzie? A I executed an affidavit about Lizzie at the same time that I executed an affidavit about Barney. The dates as given in the affidavit are correct because they were fresh in my mind at that time and I had records to go by.
Q How old was Lizzie at the time she died? A Over a year old.
Q According to the affidavit executed by you January 15, 1902, Lizzie was born in the latter part of the year 1895? A An error must have been made in filling out the affidavit. My son, Barney was born in that year.

A. 81-108-----2.

Q Your son, Barney, then, would have been about six years old at the time he died? A That must be correct.

Q Do you know any one who would know as to the dates of the birth and death of either of these children? A Napoleon Harrison.

Q What is his post office address? A Holdenville.

---ooo000ooo---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 19th day of July, 1905.

Edw. S. S. S.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
HOLDENVILLE, I. T., OCTOBER 17, 1906.

In the matter of the application for the enrollment of Barney and Lizzie McCoy, both deceased, as citizens by blood of the Creek Nation.

NAPOLÉON HARRISON, being first duly sworn by Alex Posey, a Notary Public, testified as follows.
Through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Napoleon Harrison.
- Q How old are you? A I am over 50 years old; I was old enough to ride a horse at the out-break of the Civil war.
- Q What is your postoffice address? A Holdenville.
- Q Are you a citizen of the Creek Nation? A Yes sir, I belong to Hitchita town.
- Q Are you acquainted with Barney McCoy? A I have known him all his life. He makes his home with me part of the time.
- Q Did you know his wife Bettie? A Yes sir, I knew her from her girlhood, she and Barney lived together and until he was arrested for some crime and sent to the penitentiary; the children he had by her died while he was serving out his sentence and Bunnie McCasar took up with Bettie and lived with her until she died.
- Q Did you know a child of Barney and Bettie McCoy's named Barney?
- A Yes sir.
- Q Do you know when the child was born? A I have forgotten, it has been so long ago; I saw the child the day after its birth but I cannot now remember when that was.
- Q Do you know when the child died? A I do not know, Barney and his wife were living in another part of the country when the child died and it was some time after the child's death before I heard about it. I signed an affidavit for Barney about the child and he had a record at that time showing when the child was born and died, but I did not know then and do not know now the date of its death.
- Q Have you any idea about how old the child was when it died?
- A The child died before it was a year old, I doubt if it was six months old at the time of its death.
- Q Did Barney and Bettie McCoy have another child named Lizzie?
- A Barney tells me that he had such child but I never saw it, it must have died very young; I saw the mother quite often before the child was born and noted that she was pregnant but I never saw the child while it was living.
-

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he

recorded the testimony in the foregoing proceedings, and that the above is a true and correct transcript of his stenographic notes thereof.

James P. Myers

Subscribed and sworn to before me,
this 5 day of November, 1906.

Alfred P. Myers
Notary Public.

JBM

L.K.P.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Barney McCoy and Lizzie McCoy, both deceased, as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on January 15, 1902, Barney McCoy filed with the Commission to the Five Civilized Tribes affidavits as to the death of his minor son, Barney McCoy, and as to the birth and death of his minor daughter, Lizzie McCoy. That further proceedings in the matter of said application were had on March 29, 1905 and October 17, 1906.

The evidence in the case shows that the minor applicants were the children of Barney McCoy, whose name is identified upon the authenticated 1890 Creek tribal roll, page 142, Little River Tulsa Town, also upon the 1895 pay roll of the same town, and whose name appears upon the partial roll of Creek citizens by blood, approved by the Secretary of the Interior, March 28, 1902,, opposite number 6646 thereof, and of Bettie McCoy, his deceased wife.

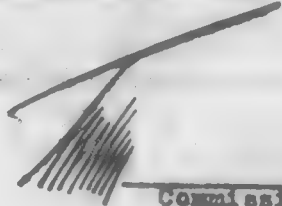
The evidence as to the dates of the birth and death of both children is extremely conflicting and unsatisfactory. The affidavits filed on January 15, 1902, as to the date of the death of the applicant, Barney McCoy, indicated that he died on May 20, 1901, at the age of ten years. These affidavits were made by the father, Barney McCoy, and by Napoleon Harrison, an acquaintance. The affidavit as to the birth of Lizzie McCoy is to the effect that she was born in the latter part of the year 1895, and the affidavits as to her death, made by the same persons who swore to the death of Barney McCoy, are to the effect that she died on July 2, 1900.

The oral testimony of both Barney McCoy and Napoleon Harrison, who made said affidavits, has been taken. Barney McCoy testified that he drew the affidavits from a record that he had at that time and he was, on the date of his testimony, unable to tell the exact dates of birth and death. It does not appear when the record was made or what it contained. He testified that the child, Barney, died May 20, 1901, and was five or six years old at the time of his death. This testimony, however, is not based upon his memory, but upon the fact that he had signed the affidavit to that effect. He further testified that he did not know when Lizzie died, that she was over a year old when she died, and that his affidavits that she was born in the latter part of the year 1895 and died July 2, 1900, must have been an error in filling in the affidavit.

Napoleon Harrison, upon his oral examination testified that he had forgotten when the applicant, Barney McCoy, was born, it had been so long ago; that the child died before it was a year

old and witness doubted if it was six months old. Witness testified that he had no other knowledge of the child named Lissie, but that Barney had told him he had such a child and, if so, it must have died very young as he knew the father and mother intimately. He further says that these children, which Barney McCoy had by his wife, Bettie, died while the father was serving out a sentence for some time in the penitentiary. He further testifies when he made the affidavits as to the dates of the death of the two children, he did not do so from personal knowledge, but upon the request of the father who claimed that he had a record at that time. This evidence is too indefinite and uncertain upon which to base an affirmative finding as to the dates of the birth or death of either of the applicants herein. The names of neither appear upon any of the tribal rolls of the Creek Nation.

It is therefore ordered and adjudged that there is no authority of law for the enrollment of Barney McCoy and Lissie McCoy, both deceased, as citizens by blood of the Creek Nation, and the application for their enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

JAN 25 1907

COMMISSIONERS
TANS SIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

B. A. 100.

WELDON C. RYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 20, 1903.

Barney McCoy,

Holdenville, Indian Territory.

Dear Sir:

There are on file with the Commission affidavits executed by you relative to the birth and death of your minor child, Lizzie McCoy, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

883

D.C. 81.

Muskogee, Indian Territory, January 29, 1904.

Barney McCoy,

Holdenville, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit executed by you relative to the death of your child, Barney McCoy, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the death of said child, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

En. 954.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Weleetka, Indian Territory, November 22, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed the testimony of Napoleon Harrison, taken by the Creek Field Party October 17, 1906, in the matter of the application for the enrollment of Barney and Lizzie McCoy, both deceased, as citizens by blood of the Creek Nation, together with copy of the testimony heretofore taken in said cause.

I have the honor to report that I am unable to secure further evidence in said cause.

Respectfully,

Ally May
In Charge,
Creek Field Party.

JBM

INDEXED

COMMISSIONER TO THE PEOPLE	
No.	- Received
50876	NOV 23 1906

Posey, Alex
Welssetka, I.T.
Nov. 22, 1906.

Transmits testimony in
re enrollment of Lizzie
and Barney McCoy, dec'd.

Cr.No. 954.

Muskegee, Indian Territory, January 26, 1907.

Barney McCoy,

Holdenville, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor children, Barney and Lizzie McCoy, both deceased, as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
LM-70.

Cr. No. 954.

Muskogee, Indian Territory, January 26, 1907.

M. L. Mett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Barney and Lizzie McCoy, both deceased, as citizens by blood of the Creek Nation, denying said application.

The record, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-71.

Gr. No. 254.

Muskogee, Indian Territory, January 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Barney and Lizzie McCoy, both deceased, as citizens by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

IM-72.

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

LAND.
9422-1907.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

COPY

February 21, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 26, 1907, enclosing record in the matter of the application for the enrollment of Barney and Lizzie McCoy, both deceased, as citizens by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 25, 1907, denying the application.

The record shows that on January 15, 1902, Barney McCoy filed with the Commission to the Five Civilized Tribes affidavits as to the death of his minor son, Barney McCoy, and as to the birth and death of his minor daughter, Lizzie McCoy.

Testimony was taken in the matter on March 29, 1905, and October 17, 1906. The evidence shows that the minor applicants were the children of Barney McCoy, whose name is identified on the 1890 authenticated Creek Tribal roll, page 142 Little River, Tulsa Town; also on the 1895 pay-roll of the same Town, and whose name appears on a partial roll of Creek citizens by blood approved March 28, 1902, opposite number 6646 and of Bettie McCoy, his deceased wife. Evidence as to the dates of the birth and death of both these children is unsatisfactory. The affidavit filed January 15, 1902, as to the date of the death of Barney McCoy, sets out that he died May 20, 1901, at the age of about ten years. These affidavits were made by Barney McCoy, the father, and Napoleon Harrison, an acquaintance. The affidavit as to the birth of Lizzie McCoy is to the effect that she was born in the latter part of the year 1895, and the affidavits as to her death made by the same persons who swore to the death of Barney McCoy are to the effect that she died on July 2, 1900. The oral testimony of Barney McCoy was to the effect that he drew the affidavits from a record that he had at that time, and he was, on the date of his testimony, unable to tell the exact dates of the birth and death. It does not appear when the record was made, or what it contains or in fact what was done with it.

He testified that Barney died May 20, 1901, and was at that time five or six years old. This testimony, however, was not based on his memory, but on the fact that he had signed an affidavit to that effect. He did not know when Lizzie died, but that she was over a year old when she died, and that his affidavit that she was born in the latter part of the year 1895

and died July 2, 1900, must have been an error in filling in the affidavit.

Napolean Harrison had forgotten when Barney McCoy died; it had been so long ago, that the child died before he was a year old. Witness was of the opinion that it was only about six months old. He further testified that he had no knowledge of the child named Lizzie, but that Barney had told him that he had such a child, and if he had, it must have died very young as he knew the father and mother intimately. He further testified that these children which Barney McCoy had by his wife Bettie, died while the father was serving a sentence in the penitentiary. He further testified that the facts as to the dates of the death of these two children, which he swears to in the affidavits, were not made from his own personal knowledge but on the request of the father, who claimed that he had a record of it at that time.

This evidence is of such an indefinite, uncertain and flimsy character as to be entirely worthless as a foundation on which to base an affirmative finding of fact.

The names of these children do not appear on any of the tribal rolls of the Creek Nation, and the office is of the opinion that the decision of the Commissioner to the Five Civilized Tribes, denying the petition for the enrollment of Barney McCoy and Lizzie McCoy, both deceased, as citizens by blood of the Creek Nation, is correct, and it is recommended that it be affirmed.

Very Respectfully,
C. F. Larrabee,
Acting Commissioner.

EWE-SD.

JP.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FRE

February 27, 1907.

I.T.D. 4320, 4350, 4382, 4372-1907
4356, 4378, 4382, 4692- "
4694, 4734- "

LRS.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship
cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
V.F. Petty, (Freedman)	January 31, 1907.
Patsy Durant Grayson, (Freedman)	January 28, 1907,
Mary Jane Hinton,	October 17, 1906,
Joanna Add (or Ard), (Freedman)	October 16, 1906,
Barney and Lissie McCoy,	January 26, 1907.
Eldora Bruner, (Freedman)	January 26, 1907
Kimichia Walker, (Freedman)	January 31, 1907.
Honey Porter,	January 26, 1907.
Lida McCulla,	January 26, 1907.
Lucindy Grayson, (Freedman)	January 26, 1907.

Copies of Indian Office letters submitting your reports
and recommending that the decisions be affirmed are inclosed.

A copy hereof and all the papers in the above mentioned
cases have been sent to the Indian Office.
10 inc. and 21 for Respectfully, Jesse E. Wilson,
Indian Of. A.D. No. 2-28-07. Assistant Secretary.

Cr.Bn.954.

Muskogee, Indian Territory, March 6, 1907.

Barney McCoy,

Holdenville, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of February 27, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Barney and Lizzie McCoy, both deceased, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

CR EN 955

CR EN 955

See CR EN 857

CR

EN 956

CR EN 956

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Bristow, I. T., July 13, 1905.

In the matter of the application for the enrollment of Ella Long as a citizen by blood of the Creek Nation.

JIM BROWN, (or Con-pe-sin-ney) being duly sworn, testified as follows:

Through Jesse Allen Official (Euche) Interpreter:

BY COMMISSIONER:

- Q What is your name? A Jim Brown or Con-pe-sin-ney.
Q How old are you? A About forty-nine.
Q What is your post office address? A Newby.
Q Do you know Henry and Lizzie Long? A I know Henry but I don't know his wife by the name of Lizzie. Her Euche name was Pa-co-con-thlan-ney.
Q Did you know a child of theirs named Ella Long? A I have forgotten the name.
Q Did they have a baby ~~named~~ born about the time Losie Barnett died? A She was born after Losie died.
Q Did that child of Henry and Lizzie Long's die before you filed on your land? A I am not certain but I think it died before I filed. Henry May have the date of it.

JOHN WOLF, being duly sworn, testified as follows:

Through Jesse Allen Official (Euche) Interpreter:

BY COMMISSIONER:

- Q What is your name? A John Wolf. I am also known as Ka-ka.
Q How old are you? A I do not know.

Witness appears to be at least thirty-five years of age.

- Q What is your post office address? A Bristow.
Q Do you know Henry and Lizzie Long? A Yes, sir.
Q Did you know a child of theirs named Ella Long? A I know they had a child but I don't know what its name was.
Q About how long ago did that child die? A I don't know how many years.
Q Do you remember the circumstance of the opening of the Creek Land Office in Muskogee? A I heard of it, but I don't know what year it was.
Q Was this child of Henry Long's living when you first heard of people taking their allotments? A I think the child died before any allotments were taken.

MANNY WOLF, being duly sworn, testified as follows:

Through Nora Wilson, who was sworn as Shawnee Interpreter, and Jesse Allen Official Euche Interpreter:

BY COMMISSIONER:

- Q What is your name? A Manny Wolf or Che-quay-ya.
Q How old are you? A Fifty.
Q What is your post office address? A Bristow.
Q Did you know Henry and Lizzie Long? A Yes, sir.
Q Did you know a child of theirs named Ella Long? A I know the child but don't know its name.

D.A. 197.

Q Do you know how long ago that child died? A I don't know.

Q Do you remember when people first began talking about taking allotments? A I heard it but don't know what year.

Q Was that child living when you first heard of it? A She died before.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 31 day of July, 1905.

J. M. Dermott
Notary Public.

D.A. 197.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Bristow, I. T., July 13, 1905.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Ella Long, deceased, as a citizen by blood of the Creek Nation.

HENRY LONG, being duly sworn, testified as follows:

Through Jesse Allen Official (Euche) Interpreter:

BY COMMISSIONER:

- Q What is your name? A Henry Long.
Q How old are you? A About twenty-six.
Q What is your post office address? A Newby.
Q Did you have a child named Ella Long? A Yes, sir.
Q What was the name of her mother? A Lizzie.
Q Is Lizzie living or dead? A She died.
Q Is Ella Long living or dead? A She is dead.
Q When did Ella die? A October 8, 1899.
Q What circumstance fixes the date of her death in your mind? A I put it down.
Q Have you got that record here? A I have it over at the other house. (referring to another house about one fourth mile distant)
Q When was Ella born? A In 1898, February 14.
Q Have you got that down on your record also? A Yes, sir.
Q Was Loda Brown mid-wife when that child ~~was~~ was born? A Yes, sir.
Q Do you remember the circumstance of the opening of the Creek Land Office in Muskogee? A I know about the time they were taking allotment but I don't know the date.

Witness presents a time book in which are various memorandums. One page of which is devoted to family records. On said page appears the following:

"Ella Long
14 Feb. 1898
8 Oct. 1899"

- Q Did you make this record? A Yes, sir, I put them down right away.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 31 day of July, 1905.

J. M. Dermott
Notary Public.

I. 2891.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Bristow, I. T., July 13, 1906.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Leslie Brown as a citizen by blood of the Creek Nation.

HENRY LONG, being duly sworn, testified as follows:

Through Jesse Allen Official (Muche) Interpreter:

BY COMMISSIONER:

- Q What is your name? A Henry Long.
Q How old are you? A About twenty-six.
Q What is your post office address? A Nowby.
Q Do you know Loda Brown? A Yes, sir.
Q Did you know a child of hers named Leslie or Lucy? A Yes, sir.
Q Do you know when Leslie died? A I think Leslie died about a year before my child Ella.
Q Did Leslie Brown die before your child was born? A My child was born but was small yet.
Q Do you know in what time of the year Leslie died? A I think it was along in September sometime.
Q And it was about a year before your child Ella died? A Yes, sir.
Q Do you know who was the father of Leslie? A Thomas Barnett.
Q Is Thomas Barnett living? A He is dead.

LODA BROWN, being duly sworn, testified as follows:

Through Jesse Allen Official (Muche) Interpreter:

BY COMMISSIONER:

- Q What is your name? A Loda Brown.
Q How old are you? A I don't know.

Witness appears to be about thirty years of age.

- Q What is your post office address? A Nowby.
Q Did you have a child named Leslie or Lucy? A Yes, sir.
Q Was she called Lucy Barnett? A Yes, sir.
Q Was she sometimes called Leslie Brown? A Leslie Barnett is her name.
Q She is dead is she? A Yes, sir.
Q When did she die? A I don't know.
Q Did you know Henry Long's child, Ella? A Yes, sir.
Q Did Leslie die before Ella Long died? A Yes, sir.
Q How long before? A About a year.
Q In what time of the year did Lucy die? A I can't tell the month but it was in the Fall when we were digging potatoes.

Testimony of Henry Long taken this day (D.A. 197) is made part of the record in this case.

I, D. C. Shaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 31 day of July, 1906.

D. C. Shaggs
J. M. McDonald
Notary Public.

Not
S. d. b.
En.956.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ella Long, deceased, as a citizen by blood of the Creek Nation.

SUPPLEMENTAL STATEMENT.

The records of this office show that the names of Henry and Lizzie Long, the parents of said Ella Long, deceased, are contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior, March 28, 1902, Roll Nos. 8106 and 8107, respectively.

The records of this office further show that a citizenship certificate was issued for Con-pe-sin-ney Brown June 21, 1902, and that a citizenship certificate was issued for Che-qua-wa March 24, 1902.

W. O. Beall
Acting Commissioner.

Muskogee, Indian Territory,

August 3, 1905.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ella Long, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on June 28, 1902, the affidavit of Lizzie Long relative to the death of her minor child, Ella Long, was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, which said affidavit is considered as an application for the enrollment of said Ella Long, deceased, as a citizen by blood of the Creek Nation.

Further proceedings were had July 13, and August 3, 1905.

A copy of testimony in the case of Lozie Brown is made part of the record herein.

The evidence shows that said Ella Long, deceased, was born February 14, 1898, and that she died October 8, 1899.

The evidence further shows that said Ella Long, deceased, was the minor child of Henry Long and Lizzie Long and that the names of said Henry Long and Lizzie Long are contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior, March 28, 1902, Roll Nos. 8106 and 8107, respectively.

It is, therefore, ordered and adjudged that said Ella Long, deceased, is entitled to be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats.495), and March 1, 1901 (31 Stats. 861) and the application for her enrollment as such is accordingly granted.



Commissioner.

Muskogee, Indian Territory.

OCT 12 1905

2873
D. C. 64.

Muskogee, Indian Territory, January 27, 1904.

Lizzie Long,

Bristow, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the death of your child, Ella Long, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the death of said Ella Long, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 3, 1904.

Henry Long,

Bristow, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 26, 1904, in which you state that your daughter, Ella Long, was born February 14, 1898, and died October 8, 1899, and that your witnesses are Lanny Long and Loady Brown. You ask if someone cannot be sent to Bristow, or a Notary Public there appointed, to examine Loady Brown, who is not able to travel. You also ask that a death affidavit be sent you.

Replying thereto you are advised that you may appear before the Commission at Muskogee, Indian Territory, with one witness and then if further evidence is necessary you will be notified.

There is herewith enclosed blank form of death affidavit as requested.

Respectfully,

Commissioner in Charge.

956
COMMISSIONERS:
TAMM RUBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. REALL,

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

H. E. H.
ORDER IN REPLY TO THE FOLLOWING:

BA 177 and
BA 184.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 21, 1905.

Henry Long,

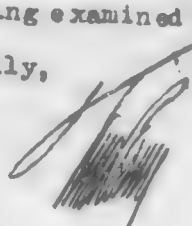
Bristow, Indian Territory.

Dear Sir:

There are on file with the Commission affidavits executed by you relative to the birth and death of your minor child, Ella Long. The Commission desires further evidence in said case.

You are hereby notified to appear before the Commission at Sapulpa, Indian Territory, July 10, 1905, with at least two other witnesses, who know the exact dates of the birth and death of said child, for the purpose of of being examined under oath.

Respectfully,



Chairman.

Or En 956

Muskogee, Indian Territory, October 13, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Ella Long, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if, at the expiration of that time, no protest has been made, said Ella Long, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

JYM-13-6

Or En 956

Muskogee, Indian Territory, December 5, 1905.

Henry Long,

Newby, Indian Territory.

Dear Sir:

You are hereby advised that the name of your deceased minor child, Ella Long, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior November 27, 1905, and that application by the legal representatives for the heirs of said child for a selection of land in the Creek Nation may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Acting Commissioner.

CR EN 957

CR EN 957

C.I. 2891

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Tabor, I.T., July 12, 1905.

In the matter of the right to enrollment of Losie Brown as a citizen by blood of the Creek Nation.

LIZZIE ALLEN, being duly sworn, testified as follows:

BY COMMISSIONER:

- Q How old are you? A Thirty-four.
Q What is your post office address? A Bristow.
Q Do you know Lodie Brown? A Yes, sir.
Q Is she the wife of Jim Brown? A Yes, sir.
Q Is he sometimes called Con-pen-sey? A Yes, sir.
Q Did Lodie Brown have a child called Losie? A Yes, sir.
Q Is she dead? A Yes, sir.
Q How long ago did she die? A I don't know but it has been about six years.
Q Do you know in what time of the year she died? A No, sir.
Q Is Jim Brown the father? A No, sir.
Q Who was the father? A Thomas Barnett.
Q Does he live around here? A No, sir.
Q Where does he live now? A He is dead.
Q Does Lodie Brown live in this neighborhood? A She lives six miles from here.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Was Losie living at that time? A I don't know.
Q Do you remember when the section lines were established? A Yes, sir.
Q How old was she at the time she died? A I think she was about ten years old.
Q Was she living when you filed on your allotment? A I don't know.
Q Do you remember when your husband went down to file on his land? A Yes, sir.
Q Do you remember whether or not Losie was living at that time? A I couldn't say.

---ooo000ooo---

I, D. C. Slaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Slaggs

Subscribed and sworn to before me this 29 day of July, 1905

J. M. McDermott
Notary Public.

I. 2891.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Bristow, I.T., July 13, 1908.

In the matter of the application for the enrollment of Leslie Brown or Barnett as a citizen by blood of the Creek Nation.

JOHN WOLF, being duly sworn, testified as follows:

Through Jesse Allen Official (Eucho) Interpreter:

BY COMMISSIONER:

- Q What is your name? A John Wolf. I am sometimes called Ka-ka.
Q How old are you? A I don't know.

Witness appears to be about thirty-five years of age.

- Q What is your post office address? A Bristow.
Q Do you know Leda Brown? A Yes, sir.
Q Do you know a child of hers called Leslie or Lucy? A Yes, sir.
Q Is that child living or dead? A She died.
Q Did she die before people began taking allotments? A She died before they taken any allotments.
Q About how long before people began taking their allotments did she die? A I don't know that.
Q Was it as much as a year before? A I don't think so but I don't know just how long.
Q About how old a girl was she when she died? A I don't know that.
Q What season of the year was it when she died? A I think it was in the winter.
Q Is Leda, the mother of this child, living? A Yes, sir.
Q Does she live near here? A Yes, sir.

Nany Wolf, being duly sworn, testified as follows:

Through Nera Wilson, who was sworn as Shawnee Interpreter, and Jesse Allen Official (Eucho) Interpreter:

BY COMMISSIONER:

- Q What is your name? A Nany Wolf or Che-quay-ya.
Q How old are you? A Fifty.
Q What is your post office address? A Bristow.
Q Do you know Leda Brown? A Yes, sir.
Q Did you know a child of hers named Leslie or Lucy Barnett? A I don't know the child. Go and see Leda Brown.

---00000000---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 31 day of July, 1908.

D. C. Skaggs

McDonnell

Notary Public.

I. 2891.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Bristow, I. T., July 13, 1905.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Losie Brown as a citizen by blood of the Creek Nation.

HENRY LONG, being duly sworn, testified as follows:

Through Jesse Allen Official (Buche) Interpreter:

BY COMMISSIONER:

- Q What is your name? A Henry Long.
Q How old are you? A About twenty-six.
Q What is your post office address? A Newby.
Q Do you know Loda Brown? A Yes, sir.
Q Did you know a child of hers named Losie or Lucy? A Yes, sir.
Q Do you know when Losie died? A I think Losie died about a year before my child Ella.
Q Did Losie Brown die before your child was born? A My child was born but was small yet.
Q Do you know in what time of the year Losie died? A I think it was along in September sometime.
Q And it was about a year before your child Ella died? A Yes, sir.
Q Do you know who was the father of Losie? A Thomas Barnett.
Q Is Thomas Barnett living? A He is dead.

LODA BROWN, being duly sworn, testified as follows:

Through Jesse Allen Official (Buche) Interpreter:

BY COMMISSIONER:

- Q What is your name? A Loda Brown.
Q How old are you? A I don't know.

Witness appears to be about thirty years of age.

- Q What is your post office address? A Newby.
Q Did you have a child named Losie or Lucy? A Yes, sir.
Q Was she called Lucy Barnett? A Yes, sir.
Q Was she sometimes called Losie Brown? A Losie Barnett is her name.
Q She is dead is she? A Yes, sir.
Q When did she die? A I don't know.
Q Did you know Henry Long's child, Ella? A Yes, sir.
Q Did Losie die before Ella Long died? A Yes, sir.
Q How long before? A About a year.
Q In what time of the year did Lucy die? A I can't tell the month but it was in the Fall when we were digging potatoes.

Testimony of Henry Long taken this day (D.A. 197) is made part of the record in this case.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 31 day of July, 1905.

D. C. Skaggs
J. M. Permutt
Notary Public.

D.A. 197.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Bristow, I. T., July 13, 1905.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Ella Long, deceased, as a citizen by blood of the Creek Nation.

HENRY LONG, being duly sworn, testified as follows:

Through Jesse Allen Official (Euche) Interpreter:

BY COMMISSIONER:

- Q What is your name? A Henry Long.
Q How old are you? A About twenty-six.
Q What is your post office address? A Nowby.
Q Did you have a child named Ella Long? A Yes, sir.
Q What was the name of her mother? A Lizzie.
Q Is Lizzie living or dead? A She died.
Q Is Ella Long living or dead? A She is dead.
Q When did Ella die? A October 8, 1899.
Q What circumstance fixes the date of her death in your mind? A I put it down.
Q Have you got that record here? A I have it over at the other house. (referring to another house about one fourth mile distant)
Q When was Ella born? A In 1898, February 14.
Q Have you got that down on your record also? A Yes, sir.
Q Was Loda Brown mid-wife when that child ~~was~~ was born? A Yes, sir.
Q Do you remember the circumstance of the opening of the Creek Land Office in Muskogee? A I know about the time they were taking allotment but I don't know the date.

Witness presents a time book in which are various memorandums. One page of which is devoted to family records. On said page appears the following:

"Ella Long
14 Feb. 1898
8 Oct. 1899"

- Q Did you make this record? A Yes, sir, I put them down right away.

---ooo000ooo---

I, D. C. Shaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 31 day of July, 1905.

D. C. Shaggs
J. M. Dewart
Notary Public.

C.I. 2891.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Bristow, I. T., July 13, 1905.

In the matter of the application for the enrollment of Lodie Brown as a citizen by blood of the Creek Nation.

JIM BROWN, (or Con-pe-sin-ney) being duly sworn, testified as follows:

Through Jesse Allen Official (Euche) Interpreter:

BY COMMISSIONER:

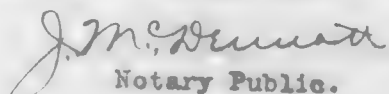
- Q What is your name? A Con-pe-sin-ney.
Q What is your age? A About forty-nine.
Q What is your post office address? A Newby.
Q What is the name of your wife? A Loda Brown.
Q Has she a child named Lodie? A She had one by that name but it died.
Q How long ago did it die? A I guess it has been about seven years.
Q Do you remember the opening of the Creek Land Office? A I don't know.
Q Was Lodie living when you filed on your land? A No, she had died before I filed.
Q How long had she been dead when you filed on your land? A I don't know for certain but I think she had been dead about ~~mm~~ three years when I took my allotment.
Q Who was the father of that child? A I don't know. Thomas Barnett had her when she had this child and I guess she was the father.
Q Was this child sometimes called Lucy? A Yes, sir.

---000000000---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.



Subscribed and sworn to before me this 29 day of July, 1905.


Notary Public.

S. D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lucy Barnett, deceased, as a citizen by blood of the Creek
Nation.

DECISION.

The record in this case shows that on July 1, 1902,
the affidavit of Lody Brown relative to the death of her
minor child, Lucy Barnett, was filed with the Commission
to the Five Civilized Tribes at Muskogee, Indian Territory,
which said affidavit is considered as an application for
the enrollment of said Lucy Barnett, deceased, as a citizen
by blood of the Creek Nation.

Further proceedings were had July 12 and July 13, 1905.

A copy of the testimony of Henry Long, taken July 13,
1905, in the matter of the application for the enrollment of
Ella Long, deceased, as a citizen by blood of the Creek Nation,
is made part of the record herein.

The evidence shows that said Lucy Barnett, deceased,
died prior to April 1, 1899.

It is, therefore, ordered and adjudged that there is
no authority of law for the enrollment of said Lucy Barnett,
deceased, as a citizen by blood of the Creek Nation, and the
application for her enrollment as such is accordingly denied.

Commissioner.

Muskogee, Indian Territory.

JAN 12 1906

J.H.B.

D. C. 6.

Muskogee, Indian Territory, January 7, 1904.

Ledy Brown,

Bristow, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the death of your minor child, Lucy Barnett, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at Muskogee, Indian Territory, with two witnesses who know the date of the death of said child, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, June 30, 1905.

Levy Brown,

Bristow, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the death of your child, Lucy Barnett. The Commission desires further evidence in said case.

You are hereby notified to appear before the Commission at Sapulpa, Indian Territory, July 10, 1905, with at least two other witnesses who know the exact dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

Muskegee, Indian Territory, June 22, 1906.

Con-pe-ah-nay Brown, *

Bristow, Indian Territory.

Dear Sir:

The Commission desires further evidence as to the date of the death of your daughter, Leslie Brown.

You are hereby notified to appear before the Commission at Sapulpa, Indian Territory, July 10, 1906, with at least two witnesses who know the exact date of the death of Leslie Brown, for the purpose of being examined under oath.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 13, 1906.

Lody Brown,

Newby, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Lucy Barnett, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

C.I.2891.

Muskogee, Indian Territory, January 13, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Lucy Barnett, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

C.I.2891

Muskogee, Indian Territory, January 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Lucy Barnett, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1906.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

AG-15

No. 21523.

L.L.B. LRS. CRW.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, May 25, 1906.

I.T.D 8858-1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 13, 1906, you transmitted the record in the matter of the application for the enrollment of Lucy Barnett, deceased, as a citizen by blood of the Creek Nation.

Reporting May 16, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated January 12, 1906, is hereby affirmed.

Respectfully,

Jesse E. Wilson,
Assistant Secretary.

1 inclosure.

Refer in reply to the following:
Land 5457-1906.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 13, 1906, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation of Lucy Barnett, deceased.

January 12, 1906, the Commissioner decided adversely to the application.

The record shows that Lucy Barnett died prior to April 1, 1899

In view of the record and of Sec. 28 of the act of March 1, 1901 (31 Stats., 861) the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

MM. C.

Cr. No. 957.

Muskogee, Indian Territory, June 20, 1906.

Lody Brown,

Newby, Indian Territory.

Dear Madam:

You are hereby advised that under date of May 25, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1906, denying the application for the enrollment of your minor child, Lucy Barnett, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

Cr. No. 957.

Muskogee, Indian Territory, June 20, 1906.

M. L. Mett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of May 25, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1906, denying the application for the enrollment of Lucy Barnett, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

RESIDENCE:

POST OFFICE:

Dristow, Ind. clev.

Nation.

Roll.

CARD NO.

FIELD NO.

2891

Dawes' Roll No.	NAME.	Relation-ship to Person first Named.	AGE	SEX.	BLOOD.	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.					
						Year.	District.	No.	Name of Father.	Year.	District.	Name of Mother.	Year.	District.
	Brown, Oon-pa-din-ney		50	m	Full	1890	Eucler	No 1	Co. san. mal	dead	Eucler	Jak-fah	dead	Eucler
2	" Soda	W	27	f	"	1890	"	No 1	Long Jim	"	"	Annie	"	"
	" Rope	S	9	"	"	1895	"	No 526				No 2		
4	" Jak-sa-con-dle-ney	son	9	m	"	1895	"	No 528	No 1			No 2		
5	" Pak-Ka-le-co-om-ta	"	7	"	"	1895	"	No 529	No 1			No 2		
6	" Jak-con-fah	S	16	f	"	1890	"	No 1	No 1			Annie	dead	Eucler
7	" Ahah-la-me	son	19	m	"	1890	"	No 1	No 1			"	"	"
8	" Da-ke-pak-co-om-ta-ney	S	2	f	"			No 1	No 1			No 2		
9														
10														
11						"	"	1895	"	"	525			
12						"	3	1895	"	"	526	as Lucy Brown		
13						"	4	1895	"	"	528			
14						"	5	1895	"	"	529			
15						"	6	1895	"	"	530			
16						"	7	1895	"	"	531	as Zah-la-we		
17														
18														

All transferred to Creek Card # 3997
No 1 on 1895 Authentic Roll No 524

No 3 died in fall of 1895
Has been dead 5 years

May 23, 1901

CR EN 958

CR EN 958

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES;
Muskogee, Ind. Ter., August 16, 1902.

In the matter of the application of Gabe Moore for the enrollment of his minor child, Rafor Moore, deceased, as a Creek freedman.

Gabe Moore, being first duly sworn, testified as follows:

By the Commission:

Q What is your full name? A Gabe Moore.
Q What is your age? A I am about thirty-three.
Q What is your post office? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A I guess so.

The records of the Commission examined and Gabe Moore is found to be enrolled on Creek Freedmen Card, Field No. 1336.

Q For whom do you now make application? A My son.
Q What is your son's name? A Rafor Moore.
Q Is Rafor Moore living? A No, sir.
Q When was he born? A Born in 1902.
Q When in 1902? A Can't hardly keep up to it myself; the old lady, she might know.
Q Do you know when Rafor Moore was born? A Why, 1902.
Q This year? A No, sir; I don't know exactly what it is, to tell the truth about it.
Q Do you know in what month he was born? A No, sir; I don't.
Q How long did he live? A He lived about a year and a month.
Q When did he die? A He died last year.
Q What month did he die in last year? A I can't remember it.
Q Did you buy a coffin for this child? A No, sir; I got one made.
Q Whom did you get to make you a coffin? A I don't know.
Q Did you ever buy a coffin of G. W. Moore? A Yes, sir.
Q When did you buy a coffin of him? A Last winter.
Q How old was Rafor Moore when he died? A A year and two months old—I don't know exactly; I guess it was something over a year though.
Q Is this the first time you ever made application for the enrollment of your child, Rafor Moore? A Yes, sir; this is the first time.
Q Are you the father of Rafor Moore? A Yes, sir.
Q To what town in the Creek Nation do you belong? A Canadian.
Q Did you ever draw any money from the Creek Nation? A Yes, sir; my Pa has drawn some.
Q How much money did he ever draw for you? A Why, he drew the \$25 payment, and then the money they called the "bread money", he drew that.
Q Did he draw money for you in 1898? A I think he did, I guess he did; said he drew it; I was not here.
Q What is the name of the mother of Rafor Moore? A Annie Moore.
Q Is she living? A Yes, sir.
Q Is she a citizen of the Creek Nation? A No, sir; she is a state woman.
Q Are you married to her? A Yes, sir.

2 In re application of Gabe Moore for the enrollment of his deceased child, Raferd Moore, as a Creek freedman.

- Q Did you get a marriage license and certificate? A Yes, sir.
Q Have you any other children? A Yes, sir.
Q How many children have you that are living? A Four.
Q What are their names? A Beula Moore, Rebecca Moore, Marguerite Moore and Jennie Moore.
Q Have you ever had any other children, excepting Raferd Moore and the four you have just mentioned? A That's all.
Q You can state positively that Raferd Moore was a little over a year old when he died? A Yes, sir; over a year old.
Q Who was Nancy Hudson? A That's the midwife.
Q Did Raferd Moore die this year or last year? A Last year.
Q What time last year, the first part or the latter part?
A Well, to tell you the truth, I naturally don't know, Mister. The best way is to get her here and let her; I don't know.

Witnesses to mark

W. F. Angell
C. C. Kinkle

Gabe ^{his} Moore
mark

Subscribed and sworn to before me this 16th day of August, 1902, at Muskogee, Indian Territory.

H. A. Dorey
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., August 16, 1902.

In the matter of the application of Gabe Moore for the enrollment of his minor child, Rafor Moore, deceased, as a Creek freedmen.

Flora Hill, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Flora Hill.
Q What is your age? A Fifty-three.
Q What is your post office address? A Checotah.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Did you know Rafor Moore, a son of Gabe Moore, here? A Yes, sir; I knowed that he had a child, but it is dead now.
Q When did it die? A I can't remember; I wasn't there when he died.
Q Do you recollect whether the child died this year or died last year? A Well, I couldn't remember.
Q Did you sign an affidavit yesterday in which you swear as to the exact date that this child died? A No, sir; I held that he had a child, but I couldn't tell what time it died; that's what I swore.
Q You stated in that affidavit that that child, Rafor Moore, died on the 13th day of February, 1902: Now is that true? A Yes, sir; that's what they say; I wasn't there when it died.
Q How do you know the date, then, on which it died? They said that was the date.
Q All you know about it is what they told you? A Yes, sir.
Q Do you know when the child was born? A No, sir; I couldn't tell.
Q Do you know how old the child was when it died? A No, sir; I just know they had a child.
Q Do you know that Gabe Moore is the father of that child? I know it was Annie's child; he was married to her and they are living together.
Q Do you know who the mother of that child is? A Yes, sir; her name Annie.

Witness to her mark
W. F. Angell
C. Kinkle.

Flora Hill
her mark

Subscribed and sworn to before me this 16th day of August, 1902, at Muskogee, Indian Territory.

H. A. Boren
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 26, 1905

In the matter of the application for the enrollment of Rayford Moore as a Creek Freedman.

Annie Moore, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Annie Moore.
- Q How old are you? A About 42.
- Q Are you a citizen of the Creek Nation? A No sir.
- Q Are you the wife of Gabriel Moore? A Yes sir.
- Q Did you have a child by Gabe Moore, called Rayford Moore?
- A Yes sir.
- Q Is Rayford living or dead? A Dead.
- Q How long has he been dead? A About two years, I think.
- Q What time of the year did he die? A I think he was the 13th of January, if I make no mistake.
- Q He will be three years the 13th of next January, or the 13th of last January? Did he die--
- A I think it was past.
- Q Three years past January? A Yes sir.
- Q You know what year? A No sir; I can't read or write.
- Q How old was he when he died? A I think he will be a year old the 12th of May, as well as I can remember. I think it was in May. He was born
- Q You think it was the 12th of May? A Yes sir. My brother always kept my children's age, but he is not here.
- Q What brother? A My brother.
- Q What is his name? A Dan Parks.
- Q What does he keep it in--in a Bible? A Yes sir.
- Q Puts them down in a Bible? A Yes sir.
- Q Where is he now? A I don't know. He was at _____. I don't know where now. They moved from here.
- Q You know what he did with the Bible? A He's got it with him. I guess he took it with him.
- Q Who attended you--who was the midwife when Rayford was born?
- A Mrs. Hudson.
- Q Nancy Hudson? A Yes sir.
- Q When you made out affidavits about the birth and death of Rayford Moore, did you have that Bible record with you? A No sir. My brother was here at the time. He kept the age, and he told me how old he was. I think he said the 12th day of May.
- Q You don't remember anything except what your brother told you?
- A No sir. Guess I don't know the date of the month.
- Q How old was that child when he died? A I don't think he would have been a year old until the next following May.
- Q Did you have a doctor attending you when Rayford ~~was born~~ died?
- A I had Dr. Williams.
- Q Just before he died? A Yes sir.
- Q Dr. Williams of Muskogee? A Yes sir.
- Q Was Dr. Williams there at the time the child died? A No sir.

- Q How many days before Rayford died was Dr. Williams there?
 A I think he came in the morning; he died that evening.
 Q Did you have a white doctor in attendance on you when the child was born? A No sir.
 Q Just had Nancy Hudson? A---
 Q Did you buy a coffin to bury Rayford? A Yes sir. From Mr. Charley Moore.
 Q Did you pay for it or bought it on credit? A I think he paid for it.
 Q Did your husband go out to buy the coffin? A Yes sir.
 Q Do you know Flora Hill (or Hall)? A Yes sir.
 Q Does she know when Rayford died? A Yes sir.
 Q She lives in Muskogee? A Lives in Oktaha.

Gabe Moore, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Gabe Moore.
 Q How old are you? A About 38.
 Q What is your postoffice? A Muskogee.
 Q Are you the father of Rayford Moore? A Yes sir.
 Q What is the name of Rayford's mother? A Annie Moore.
 Q What season of the year was Rayford born in--spring, summer or winter? A Winter.
 Q In the winter? A Yes sir.
 Q You are sure of that? A Yes sir.
 Q What month was it? A Directly after Christmas.
 Q Was it more than a week after Christmas? A Yes sir. It was a month after Christmas.
 Q Was he born in January? A I think it was in January.
 Q How old was he when he died? A He's about three days old, I think now.
 Q Didn't live as long as a month? A Yes sir.
 Q You are sure he didn't live as long as a month? A Yes sir.
 Q He lived about three or four days--is that right? A Yes sir.
 Q And you think he was born in January, do you? A Yes sir. I think; I don't know right for certain. I know it was snow on the ground.
 Q You are sure it was snow--you are positive of that? A Yes sir.
 Q How many years ago was he born? A It has been about two years--three--two years.
 Q Three years ago last January? A Yes, I guess so. I give the date to the undertaker.
 Q You got a coffin from Mr. Charley Moore? A Yes sir. I seen the date and everything up here when I was Saturday.
 Q You are sure that your child, Rayford Moore, lived only two days, are you? A Yes sir.

Annie Moore, recalled.

EXAMINATION BY THE COMMISSIONER:

- Q Do you know what would happen to you if you told a lie when you are under oath? A I would not tell a story.
 Q How long did that child of yours live? A I don't know, just exactly how long, but I told you it would have been a year old--
 Q Did he live as long as a week? A Yes sir.
 Q Your husband, Gabe, says he lived just two or three days.
 A I know he lived a week.
 Q How much longer than a week? A I don't know.

Q Did he live as much as a month? A No sir; he didn't live a month.

Q He didn't live a month? A No sir.

Q You are sure of that? A Yes sir.

Q What season of the year was it when he was born; winter or summer? A It was then May.

Q Was there snow on the ground when he was born? A Little snow afterwards; after he was born.

Q Do you know--do you remember any year in this territory when it snowed as late as the month of May? A In May.

Q You are sure it snowed? A It's kind of snowed, not heavy; just melted right off.

Q Do you know what month this is? A July.

Q You know the month last month was? A Last month was June; month before that was May.

Q Have you ever known it to snow as late as in May, have you? A That was in May.

Q At any rate, you are sure that it snowed shortly after it was born, are you? A Yes, sir; I think it did.

Q And you are sure that it didn't live more than a week? A No sir.

Q He didn't live more than a week? A No sir.

Q You were still sick in bed from his birth when he died? A No sir; I was beginning to sit up.

Q Were you just beginning to sit up, or had you been in the house for some time? A Right in the house, but hadn't been out of doors.

Q Did you go to the burying when he was buried? A No sir.

Q Why didn't you go? A Because I had nother little girl sick.

Q Were you sick yourself? A No sir.

Q Did you feel well enough to go in the winter snow to the burying of that child? A Yes sir.

Q Now think well: Again--what month was that--what was it; January, February or May? A I told you it was May. My recollection it was May. I don't know the month ~~at~~ and the year and what month.

Q And he didn't live longer than a week? A No sir.

Q And there was snow on the ground after he was born--is that right? A Yes sir.

Q You are sure of that? A Yes sir.

Q Don't you know when Christmas comes? A I know by axing by anybody.

Q How long after Christmas before this child was born? A Pretty good while.

Q Was it as much as a month after Christmas? A Told you all I know about it.

Q Was he born in the winter time or summer time? A What is May?

Q That is not the question: Was he born in the winter or summer time? A Kind of cool, but it was not hot.

Q And it snowed after he was born, did it? A Yes, a little snow.

Q Snowed before he died--after he was born or before he was born? A I disremember whether it snowed after or before he was born.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commissioner to the Five Civilized Tribes, hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me this 1st day of August, 1905

Edw. H. Hines Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

C. D.

In the matter of the application for the enrollment of
Raford Moore, deceased, as a Creek Freedman.

DECISION.

The record in this case shows that on August 15, 1902, the affidavit of Annie Moore relative to the birth of her minor child, Raford Moore, deceased, was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, which said affidavit is considered as an application for the enrollment of said Raford Moore, deceased, as a Creek freedman.

Further proceedings were had August 16, 1902, and July 26, 1905.

The evidence shows that said Raford Moore, deceased, was born subsequent to July 1, 1900, that he was not living May 25, 1901, and that he died prior to the date of the application herein.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Raford Moore, deceased, as a Creek freedman and the application for his enrollment as such is accordingly denied.


Commissioner.

Muskogee, Indian Territory.

JAN 12 1906

234
B. A. 117.

Muskogee, Indian Territory, November 19, 1903.

Annie Moore,

Muskogee, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits relative to the birth and death of your minor child, Rafeord Moore, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further testimony be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

✓
Cr.En.958

Muskogee, Indian Territory, January 13, 1906.

Gabe Moore,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Raferd Moore, deceased, as a Creek freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-10

Gr.En.958

Muskogee, Indian Territory, January 13, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Rafora Moore, deceased, as a Creek freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-11

Cr. En. 958

Muskogee, Indian Territory, January 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Rafora Moore, deceased, as a Creek freedman, including the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1906.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

AG-12

22193.

LLB.CRW.JP.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, May 28, 1906.
I.T.D.8738-1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 13, 1906, you transmitted the record in the matter of the application for the enrollment of Rafor Moore, deceased, as a Creek Freedman.

Reporting ~~in~~ ~~the~~ May 15, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated January 12, 1906, is hereby affirmed.

Respectfully,

Jesse E. Wilson,
Assistant Secretary.

1 inclosure.

COPY

Refer in reply to the following:
Land: 5459-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 15, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 13, 1906, transmitting the record of the application made August 15, 1902, for enrollment as a Creek Freedman of Rafor Moore, deceased.

January 12, 1906, the Commissioner decided adversely to the application.

The record shows that Rafor Moore was born subsequent to July 1, 1900, that he was not living on May 25, 1901, and that he died prior to the date of application.

In view of the record and of Section 28 of the Act of March 1, 1901 (31 Stats., 861), the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

MM C

Cr. En. 958.

Muskogee, Indian Territory, June 20, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that under date of May 28, 1906, the Department affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 26, 1906, denying the application for the enrollment of Raferd Moore, as a Creek Freedman.

Respectfully,

Commissioner.

Cr.No. 988.

Muskogee, Indian Territory, June 20, 1906.

Gabe Moore,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of May 28, 1906, the Department affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1906, denying the application for the enrollment of your minor child, Rafor Moore, deceased, as a Creek Freedman.

Respectfully,

Commissioner.

CR EN 959

CR EN 959

A. 137.

DEPARTMENT OF THE INTERIOR,
~~COMMISSION TO THE FIVE CIVILIZED TRIBES.~~
Morse, I. T., March 9, 1905.

In the matter of the application for the enrollment of Lissie West, deceased, as a citizen by blood of the Creek Nation.

SISSIE WEST, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Sissie West.
Q How old are you? A About thirty-eight.
Q What is your post office address? A Morse.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Muyaka.
Q Did you have a child named Lissie West? A Yes, sir.
Q Do you know when she was born? A She was born in October, I do not remember the year.
Q Do you know what time in October? A I think it was along about the 10th of October.
Q Do you know when she died? A The child died, I think, in December, of the same year it was born.
Q How many years has it been since the child died? A About six years ago, I think.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Was the child born before or after the opening of the Creek Land Office? A It was born after but at that time we belonged to the "Snake-faction" and made no application to select land.
Q How long after the land office opened was it that the child was born? A I think it was about two years after the land office opened.
Q Did you ever execute an affidavit about the birth and death of Lissie? A Minnie Marshall and myself executed an affidavit.
Q Is the date of the birth of the child as given in that affidavit correct? A Yes, sir.
Q Did you have a record to go by at the time you executed the affidavit? A We had no record to go by but we remembered the date at that time.

WATTIE WEST, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Wattie West.
Q How old are you? A About thirty.
Q Are you the husband of Sissie West? A Yes, sir.
Q Did you have a child named Lissie? A Yes, sir.
Q Do you know when Lissie died? A The child was born in October and died in December of the same year but I do not remember the year. I think my wife is mistaken when she states that the child has been about six years. The child has been dead only about four years.
Q Why do you think the child has been dead only about four years? A Because the child was born and died just before the Snake uprising. I think the Snake uprising was in either 1900 or 1901. I was a member of the Snake Faction and remember the occurrences then very distinctly. The Snakes had a big council at Hickory Ground and many of the leaders were arrested at about that time.
Q Did you ever execute an affidavit about the death of Lissie? A Yes, sir, I executed two affidavits.

A. 137---2.

Q The two affidavits executed by you, on file with the commission, do not agree as to dates. In one you swear that the child died October 21, 1901, and in the other that she died October 15, 1900. Which affidavit is correct? A Neither of the affidavits are correct.

The child was born in October and died in December, 1900.

Q Are you positive? A Yes, sir, I am positive as to the month and the year.

Q Was there any record made of the birth and death of Lissie? A No, sir, there was no record made.

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I, D. C. Shaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 13th day of May, 1905.

D. C. Shaggs
Jura E. Harvick
Notary Public.

Aff. 137.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Morse, T. T., March 9, 1905.

In the matter of the application for the enrollment of Lissie West, deceased, as a citizen by blood of the Creek Nation.

JOE DEERE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Joe Deere.
Q What is your age? A About fifty-seven.
Q What is your post office address? A Morse.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arboocche.
Q Do you know Wattie and Sisie West? A Yes, sir.
Q Do you know a child of theirs named Lissie? A Yes, sir.
Q Do you know when that child died? A The child died while I was at Muskegee filing on my land. I do not know when that was. I was there in the summer-time, probably in August.
Q Did you ever execute an affidavit about this child? A Wattie West and myself executed an affidavit about the death of the child but I have now forgotten the date though I knew at that time.
Q Did you have a record to go by at the time you executed that affidavit? A No, sir, I executed the affidavit from memory.
Q How long had the child been dead at the time you executed the affidavit? A It was a short time after the child died.
Q Do you know when the child ~~was~~ was born? A I do not know.
Q How old was the child at the time of its death? A I think the child was about six months old.
Q How many years has it been since the child died? A Probably now going on five years.
Q Are you positive that the child died at the time you were at Muskegee filing upon your land? A Yes, sir. I was down at Hickory Ground where I had gone to consult Yardeka Harjo, an Indian Doctor, when the child was born. I think it was in the winter time or the early spring.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 13th day of May, 1905.

D. C. Skaggs
J. A. Tarrish
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lizzie West, deceased, as a citizen by blood of the Creek
Nation.

DECISION.

The record in this case shows that on March 15, 1902,
the affidavit of Waddy West relative to the death of his minor
child, Lizzie West, was filed with the Commission to the Five
Civilized Tribes at Muskogee, Indian Territory, which said
affidavit is considered as an application for the enrollment
of said Lizzie West, deceased, as a citizen by blood of the
Creek Nation.

Further proceedings were had March 9, 1905.

The evidence shows that said Lizzie West, deceased,
was born subsequent to July 1, 1900, that she died prior to
March 4, 1905, and that she was not living May 25, 1901.

It is, therefore, ordered and adjudged that there is
no authority of law for the enrollment of said Lizzie West,
deceased, as a citizen by blood of the Creek Nation and the
application for her enrollment as such is accordingly denied.


Commissioner.

Muskogee, Indian Territory.

OCT 12 1905

✓
En. 959

Muskogee, Indian Territory, October 13, 1908.

Vaddy West,

Morse, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Lissie West, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-30

Muskogee, Indian Territory, October 13, 1905.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Liasie West, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

En. 959

Muskogee, Indian Territory, October 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Lissie West, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905.

Respectfully,

Commissioner.

Through the

Commissioner of Indian Affairs.

AG-32

I.T.D.14852-1905
LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON. November 15 1905 FHE

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 13, 1905, you transmitted the record in the matter of the application for the enrollment of Lizzie West, deceased, as a citizen by blood of the Creek Nation, including your decision of October 12, 1905, rejecting said application.

Reporting November 9, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The evidence submitted shows that said infant child, Lizzie West, deceased, was born subsequent to July 1, 1900 and died prior to May 25, 1901. In view of the evidence and the provisions of Section 7 of the supplemental Creek agreement approved June 30, 1902, your decision is hereby affirmed.

Respectfully,

Thos Ryan
First Assistant Secretary

1 inclosure

3 enclosures.
Refer in reply to the following:

COPY.

Land

83798-1905

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,
Washington. Nov. 9, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 13, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation of Lizzie West, deceased.

October 12, 1905, the Commissioner decided adversely to the application.

The record shows that Lizzie West was born subsequent to July 1, 1900, and that she died prior to March 4, 1905, and that she was not living May 25, 1901.

In view of the record and of the Act of March 3, 1905, (33 Stats., 1071) the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,
C.F. Larrabee

MM NL

Acting Commissioner

✓
En. 959

Muskogee, Indian Territory, November 22, 1906.

Waddle West,

Merco, Indian Territory.

Dear Sir:

You are hereby notified that under date of November 15, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1906, denying the application made by you for the enrollment of your minor child, Lizzie West, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

Mn.989

Muskogee, Indian Territory, November 22, 1905.

M. L. Nott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that under date of November 15, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying the application of Waddie West for the enrollment of his minor child, Lissie West, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

CR

960

CR EN 960

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, April 14th, 1905.

B.A. and D.A. 119.

In the matter of the application for the enrollment of Alice Jackson, deceased, as a Creek Freedman. Y Green Jackson being duly sworn testified as follows:

- Q What is your name? A Green Jackson.
Q How old are you? A About 61.
Q What is your post office address? A Boynton.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q ~~Have~~ Have you a child named Alice Jackson? A Yes sir.
Q Is that child living? A Yes sir.
Q How long did it live? A It lived about four days.
Q Are you positive about it, are you positive it did not live a month? A No sir, it did not live a month.
Q Are you sure of that? A Yes sir.

There are on file with the Commission, an affidavit executed by Jane Jackson on June 11, 1901, and by Lilly Hall, midwife, on June 14, 1901, and in the former it is stated that the child Alice Jackson was born May 5th, 1901, and is now dead. In the midwife's affidavit it is stated that the child was born May 5th, 1900, and died May 8th, 1900, and ~~the~~ in the affidavit executed by Green Jackson on June 12, 1902, stating that said child was born May 5th, and lived to July 27th, 1900. The latter affidavit was executed before Joshua Ross, a notary public.

- Q Now just explain how these affidavits come to be made that way.
A Well that first one was correct, the one giving the date as 1900.
Q And you further stated that the child lived only a few days, that is correct is it not? A Yes sir.
Q How come you to make this other one? A Well when I come before the Commissioner it was spoiled and the lawyer told me he would get it through for me and I told him not to cross this affidavit. That's what I told him.
Q What else? A I told him my reason not to cross this affidavit, the midwife was across Deep Fork.
Q You did not understand that you were giving a certain date in the second affidavit? A You know the lawyer's way, he told me he would fix it up for me. I can't read so I didn't understand.
Q You stated in the second affidavit that the child lived about two months? The affidavit is written that way? A That's the lawyer's work.
Q You are positive that the child lived only about four days?
A Yes sir.
Q Why didn't Jane Jackson your wife come in when told to do so by the Commission. She didn't come.
Q Why didn't she come? A She is sick and can't come.
Q She's confined? A Yes sir.
Q Well from your remembrance and from ~~you~~ what you absolutely knew to ~~the~~ be the fact you think ~~this~~ this affidavit of the midwife, who stated that the child was born May 5th, 1900, and died May 8th, 1900, is correct? A Yes sir.

Q And when you stated in this other affidavit that it lived from May 8, 1900, to July 27, 1900, that was a mistake? A Yes sir. Them fellows tried to get to agree to it but I told them that it would interfere with my first affidavit, and wouldn't do it.

Q Where did you say this midwife is? A Twenty-five miles up to Brushhill.

Q The first affidavit made by your wife, Jane Jackson states that the child was born May 8, 1901 and on the top part of the affidavit the date is given as 1900 and below in the affidavit of the midwife the date of the birth and death of this child is given as 1900, these affidavits were executed in 1901, now you state that the date 1900 is correct? A Yes sir.

Q That is you remember that the child was about a year old when it was made? A It must have been more than one year old.

Q Well are you sure that the child wasn't born in the same year that the affidavit was made out? A No sir.

Q Your wife also made a mistake when it was put down as 1901?

A Yes sir.

Q Your wife is not a citizen of the Creek Nation? A No sir.

Said affidavits are made a part of the record.

Lena Merriek, on oath states that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Lena Merriek

Subscribed and sworn to before me this 13th day of April, 1905.

Jesse E. Parrish
Notary Public.

V V
Hill

Bu. 900.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Alice Jackson, deceased, as a Creek Freedman.

DECISION.

The record in this case shows that on July 5, 1901, the affidavit of Jane Jackson relative to the birth of her minor child, Alice Jackson, deceased, was filed with the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, which said affidavit is considered as an application for the enrollment of said Alice Jackson, deceased, as a Creek Freedman.

Further proceedings were had April 13, 1905.

The evidence shows that said Alice Jackson, deceased, was born April 5, 1901, and that she died April 8, 1901.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Alice Jackson, deceased, as a Creek freedman and the application for her enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory.

OCT 12 1905

W.H.

Book B & B-128.

Muskogee, Indian Territory, January 23, 1906.

Green Jackson.

Lee, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit, executed by you, relative to the birth and death of your minor child, Alice Jackson.

You are heroby notified that it will be necessary for you to appear before the Commission at its office, in Muskogee, Indian Territory, together with your wife, Jane Jackson, and Lily Hall, midwife, for the purpose of being examined under oath.

Respectfully,

Chairman.

Register.

WMA
Creek BA & DA-119.

Muskogee, Indian Territory, January 23, 1905.

Jane Jackson,

Lea, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit, executed by you June 11, 1901, relative to the birth and death of your minor child, Alice Jackson.

You are hereby notified that it will be necessary for you to appear before the Commission, at its office in Muskogee, Indian Territory, together with your husband, Green Jackson, and Lily Hall, midwife, for the purpose of being examined under oath.

Respectfully,

Chairman.

Register.

Dr En 960

Kuskogee, Indian Territory, October 14, 1905.

Jane Jackson,

Beynton, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Alice Jackson, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

JYH-14-4

Cr En 960

Muskogee, Indian Territory, October 14, 1908.

E. L. Kott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Alice Jackson, deceased, as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this Office is informed of the same.

Respectfully,

Commissioner.

JYE-14-5

Rocky Mountain, Indian Territory, October 14, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Alice Jackson, deceased, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes dated October 12, 1905.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

JYK-14-6

OR LEB

I.T.D. 14848-1905
LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON. November 14, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 14, 1905, you transmitted the record of the application for the enrollment of Alice Jackson(deceased) as a Creek freedman, including your decision dated October 12, 1905, denying said application.

November 9, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision denying said application be affirmed. A copy of his letter is inclosed.

The Department disagrees with your decision stating that "the evidence shows that said Alice Jackson(deceased) was born April 5, 1901 and that she died April 8, 1901." The Department is of the opinion that the evidence shows that the said Alice Jackson(deceased) was born May 5, 1900 and that she died May 8, 1900. However, the Department affirms your decision so far as holding that there is no authority of law for the enrollment of said Alice Jackson (deceased) as a Creek freedman, and therefore said application is denied.

Respectfully

Thos Ryan

First Assistant Secretary

3 inclosures

Refer in reply to the following
Land 83789-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, Nov. 9, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 14, 1905, transmitting the record of the application for enrollment as a Creek freedman of Alice Jackson, deceased.

October 12, 1905, the Commissioner decided adversely to the application.

The record shows that Alice Jackson was born May 5, 1900, and died May 8, 1900, while the decision of the Commissioner states that she was born April 5, 1901 and died April 8, 1901.

In view of the record the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

C F Larnabee
Acting Commissioner

MMH NL

Bn. 940

Muskogee, Indian Territory, November 22, 1905.

Jane Jackson,

Boynton, Indian Territory.

Dear Madam:

You are hereby notified that under date of November 14, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying the application made by you for the enrollment of your minor child, Alice Jackson, deceased, as a Creek freedman.

Respectfully,

Acting Commissioner.

En. 900

Muskogee, Indian Territory, November 22, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that under date of November 14, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying the application of Jane Jackson for the enrollment of her minor child, Alice Jackson, deceased, as a Creek freedman.

Respectfully,

Acting Commissioner.

CR EN 961

CR EN 961

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, I. T., October 10, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Sarah Buck as a citizen by blood of the Creek Nation.

JOHN BUCK, being duly sworn, testified as follows:

Through Alex Fossey Official Interpreter:

By Commission:

- Q What is your name? A John Buck.
Q How old are you? A Sixty-five.
Q What is your post office address? A Bixby.
Q Did you have a child named Sarah Buck? A Yes, sir.
Q She is dead is she? A Yes, sir.
Q When did she die? A She died sometime about the time the land office opened.
Q Did she die before the land office opened or after? A I cannot swear positively as to the time she died but I know she died the year the land office opened.
Q In what month did she die? A According to my best judgment I fix the time as February.
Q In February of the year that the land office opened as I understand you? A Yes, sir.
Q Do you know Jennetta Tiger? A Yes, sir.
Q Is she any relation to you? A I am not related to her but her husband was related to me.
Q How far does she live from you? A About how many miles does she live from you? A She lives on Polecat and I live on Snake Creek. A distance of probably twenty miles.
Q Did she live that distance from you when Sarah died? A Yes, sir.

-----;0;-----

I, B. C. Skaggs, on oath state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause on said date.

B. C. Skaggs

Subscribed and sworn to before me this 14 day of Nov 1904.

Charles H. Snow
Notary Public.



G. 1221

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Okmulgee, I. T., October 26, 1904.

In the matter of the application for the enrollment of Sukey Squire, deceased, as a citizen by blood of the Creek Nation.

SAMUEL W. BROWN, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Samuel W. Brown.
Q How old are you? A Sixty-one.
Q What is your post office? A Sapulpa.
Q Are you Town King of Huchee Town? A yes, sir.
Q Do you know Sukey Squire? A yes, sir.
Q She is dead is she? A Yes, sir.
Q Did she die before the Creek Land Office opened or after? A I can't hardly tell you but I think she was living. Her husband was here--he could tell you that.

JOHN BUCK, being duly sworn, testified as follows:

Through S. W. Brown, a duly sworn interpreter of the Huchee language.

By Commission:

- Q What is your name? A John Buck.
Q How old are you? A Sixty-five.
Q What is your post office? A Bixby.
Q Did you know Sukey Squire? A Yes, sir.
Q Did you have a child named Sarah? A Yes, sir.
Q Sarah is dead is she? A Yes, sir.
Q And Sukey is dead is she? A Yes, sir.
Q Which died first? A Her husband said that she died before my daughter.
Q Did Sukey's husband tell you that his wife died before your child Sarah died? A yes, sir.
Q What is the name of Sarah's husband? A John Squire.
Q What is your post office address? A Bixby.

It is ordered that a copy of the testimony taken at Okmulgee, October 10, 1904, in Enrollment Case, No. 404, be made part of the record in this case.

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I, D. C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 4 day of Nov., 1904.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Sapulpa, I. T., July 11, 1908.

In the matter of the death of certain Creek citizens who have been enrolled by the Commission to the Five Civilized Tribes/

NOAH GREGORY, being duly sworn, testified as follows:

BY COMMISSIONER:

Q What is your name? A Noah Gregory.

Q How old are you? A About forty-five.

Q What is your post office address? A Sapulpa.

Q Are you a citizen of the Creek Nation? A Yes, sir.

Q Mr Gregory, you have been Town King of Buche Town have you? A Yes, sir.

Q In what years were you King of Buche Town? A I think I began in the year of 1887 and continued in office up until December 8, 1902, with the exception of four years that I was a member of the house of Warriors.

Q Do you know Nancy Yargee? A Yes, sir.

Q Is she living or dead? A She is dead.

Q Was she a member of Buche Town? A Yes, sir.

Q Do you know whether she has been enrolled by the Commission and allotted land? A I did not know it until recently. Some Oil Lease Company presented a Township plat at my house in trying to locate some pieces of land that they wanted to lease and in looking over the plat I found her name.

Q What land had been allotted to her, according to that plat? A It was the South-west quarter of Section 28, Township 19, Range 12.

Q Do you know when Nancy Yargee died? A I don't know the exact date but she died in March, 1898, I think.

Q How do you remember that date? A The way I come to look it up, we have a little girl who was born in December 10, 1897, and the following Spring, in March, Nancy Yargee died. She lived about a half mile from our house and my wife and I walked over there and carried the baby. I preached the funeral.

Q What is the name of your child who was born December 10, 1897? A Asa Beula Gregory.

Q Do you know any other person who would be able to give testimony about the death of Nancy Yargee? A I think D. M. Hodge would be a good witness, he was there.

Q Do you remember the circumstance of the Creek Land Office opening at Muskogee? A Yes, sir.

Q Are you certain that Nancy Yargee was dead at that time? A Yes, sir, I am certain for we had moved from where we lived then before the land office opened and when she died we were living at the other place.

Q Did you know Sophia Bigpond? A Yes, sir.

Q Is she living or dead? A She is dead.

Q Will you describe the land allotted to her as shown by the plat which you referred to? A The N.E. 1/4 of Section 18, T. 18, R. 12.

Q About how old was she at the time she died? A Must have been about thirty-two.

Q Was she married? A I couldn't say. She had been married but her husband died and then I heard that Johnson Pickett was living with her but don't know whether they were married or not.

Q Do you know when she died? A I heard of her being dead before the land office opened. She died sometime in the winter and in the following Spring the land office was opened.

Q Who told you that she died at that time? A I couldn't say just who did tell me but it was just reported that she was dead.

Q Did you say Johnson Pickett was living with her? A Yes, sir.

Q Was he living with her at the time she died? A Yes, sir. He had quit living with his first wife and went to live with her and when she died he went back to his old wife. We had a meeting at his house the Spring the land office opened in regard to taking allotments of the Euche.

Q Was Sophia Bigpond an Euche? A Her father was an Euche and her mother was a Creek.

Q About what time in the Spring did you have that meeting at Johnson Pickett's? A It was real early in the Spring. May have been about the latter part of April, shortly after the land office opened.

Q Do you know how long she had been dead at that time? A No, sir, I don't know.

Q Do you know any person who would be able to give testimony about her death? A Yes, sir, I think George Clinton, who was a neighbor of hers, would know.

Q Where does he live? A Near Bristow. Jesse Allen, who lives near Bristow, would also know.

Q Did you know Jim Tiger? A Yes, sir, I used to know one Jim Tiger.

Q Was he called Jim Tiger or James Tiger? A It was just Jim Tiger.

Q Do you know whether he has been allotted land in the Creek Nation? A ~~Indians~~ I didn't know it until I saw that plat to which I referred.

Q Describe the land that the plat shows as having been allotted to Jim Tiger? A The N.E. 1/4 of Section 14, T. 18, R. 11.

Q Do you know when Jim Tiger died? A I don't know just when he died but he had been dead two or three years before the land office was opened, to the best of my recollection.

Q Did you use to teach at the Mission School? A Yes, sir, I was in charge.

Q What was the last year you were in charge of that school? A 1894.

Q Were his children in attendance at that school? A Yes, sir, he had two or three going to school there.

Q Was Jim Tiger living or dead when those children were going to your school? A I am not certain but I believe he died while I was at that school.

Q Do you know any one who can give testimony about the death of Jim Tiger? A I think Jeanetta Tiger will make a good witness, if she will state the facts.

Q Was she related to him? A She was his sister-in-law.

Q Where does she live? A At Kelleyville. She is educated and would know.

Q Do you know any one else who knows when he died? A Dixon Chicken would know.

Q Did you know Suskey Squire? A Yes, sir, I used to know her.

Q Where did she live? A On Duck Creek, about fifteen miles east of Sapulpa.

Q Is she living or dead? A She is dead.

Q What land did that plat show had been allotted to her? A The N.E. 1/4 of Section 15, T. 18, R. 11.

Q Do you know when she died? A No, sir, I do not know when she died. I only heard Consie Tiger said that she died before the land office was opened but I understand they were trying to file for her.

Q When did you have that conversation with Consie Tiger? A It has been a year or two ago.

Q Where does Consie Tiger live? A He lives seven or eight miles south of Sapulpa.

Q Do you know any one else who would be a witness in her case? A I think U. S. Grant would make a good witness. He was a neighbor of them folks and he is about the only one whom you could depend on.

CHICKEN DIXON, being duly sworn, testified as follows:

Through Noah Gregory Official (Euche) Interpreter:

BY COMMISSION:

Q What is your name? A Chicken Dixon.

Q How old are you? A About forty-eight.
Q What is your post office address? A Hallowville.
Q Did you know Jim Tiger, who has been allotted the N.E. 1/4 of Section 14, T. 18, R. 21? A I used to know him - this way, they called him Jim Tiger, and that Jim Tiger died long before the land office opened.
Q About how old a man was he? A He was an older man than I am.
Q Did he have any children that you know of? A Yes, sir, he has children, all grown now.
Q Do you know the names of any of them? A Yes, sir.
Q Name them? A One is named Junko Tiger, David Tiger, his brother name is Cah-on-ay.
Q Do you know whether or not land has been allotted to him? A No, sir, I don't know that there has ever been any filing done for him.
Q Do you know where his children live? A They live up near Hallowville.
Q How do you remember that he died before the land office opened? A I just know that it was before the allotment came.
Q Do you remember when the Section lines were established up in this country? A Yes, sir.
Q Was he living or dead when they established the Section lines? A Yes, sir, I think he was dead.

---peo000eeo---

I, D. C. Shaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Shaggs

Subscribed and sworn to before me this 28 day of July, 1906.

Edw. C. Shaggs
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Sapulpa, I. T., July 11, 1905.

In the matter of the right to enrollment of Suckey Squire as a citizen by blood of the Creek Nation.

CONSIE TIGER, being duly sworn, testified as follows:

Through Near Gregory Official (Euche) Interpreter:

BY COMMISSIONER:

- Q What is your name? A Consie Tiger.
Q What is your age? A Over thirty.
Q What is your post office address? A Sapulpa.
Q Do you know Suckey Squire? A Yes, sir.
Q What is the name of her father? A Charlar.
Q What is the name of her mother? A Sa-oah-fah-ney.
Q Is Suckey Squire living? A No, sir.
Q How long has she been dead? A She died in 1889.
Q Do you remember when the land office opened at Muskogee? A Yes, sir.
Q Did she die before the land office opened or after? A She died before the land office opened.
Q What time of the year did she die? A It must have been in the winter time as there was snow on the ground.
Q Was it the winter before the land office opened? A It was the 19th day of January, 1889.
Q Do you mean 1889 or 1899? A (Witness writes what he states he means as follows: "Jan. 19" 1899")
Q What makes you remember the date of her death? A I don't forget anything like that. I remember it because I am living. Anything happens that way I remember the date. The reason I remember so well, I made the coffin and helped dig the grave.
Q How was the ground when you went to dig the grave. Was it hard from cold weather or was it soft? A No the ground was not frozen.
Q Do you know whether Suckey Squire has been allotted land? A I don't know when they filed for her but I seen it on the book that they had filed for her.
Q Who is John Squire? A He was her husband.
Q Where does he live? A At Snake Creek, near Weoloka. Bixby is his post office address.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 28 day of July, 1905.

D. C. Skaggs
D. C. Skaggs
Notary Public.

Or En 961

I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sukey Squire, deceased, as a citizen by blood of the Creek Nation.

DECISION.

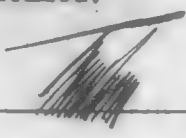
The record in this case shows that on June 25, 1902, the affidavit of Genzie Tiger relative to the death of Sukey Squire was filed with the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, which said affidavit is considered as an application for the enrollment of said Sukey Squire, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had October 25, 1904, and July 11, 1905. A copy of the testimony taken October 10, 1904, in the matter of the application for the enrollment of Sarah Buck as a citizen by blood of the Creek Nation, is made part of the record herein.

The evidence shows that said Sukey Squire, deceased, died prior to April 1, 1899.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Sukey Squire, deceased, as a citizen by blood of the Creek Nation, and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory.

OCT 12 1905


Commissioner.

Muskogee, Indian Territory, October 13, 1905.

Comble Tiger,

Sapulpa, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Sukey Squire (deceased), as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this Office is informed of the same.

Respectfully,

Commissioner.

Register.
JYM-13-1.

Or En 961

Muskogee, Indian Territory, October 13, 1905.

H. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Sukey Squire (deceased) as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this Office is informed of the same.

Respectfully,

Commissioner.

JYX-13-2

Or Ka 941

Muskogee, Indian Territory, October 13, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Sukey Squire (deceased) as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes dated October 12, 1908.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

JYM-13-3

I.T.D.14914-1905
LRS

DEPARTMENT OF THE INTERIOR,

WASHINGTON. November 15, 1905.

GR
THE

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 13, 1905, you transmitted the record in the matter of the application for the enrollment of Sukey Squire (deceased) as a citizen by blood of the Creek Nation, including your decision of October 12, 1905, rejecting said application.

Reporting November 10, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan

First Assistant Secretary

1 inclosure

Refer in reply to the following
Land 83797-1905

3 inclosures COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS

WASHINGTON

NOV .10, 1905.

The Honorable,

The Secretary of the Interior.

Sir.

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 13, 1905, transmitting the record of the application made October 25, 1904, for the enrollment as a citizen by blood of the Creek Nation of Sukey Squire, deceased.

October 12, 1905, the Commissioner decided adversely to the application.

The record shows that Sukey Squire died prior to april 1, 1899.

In view of the record and of the Act of March 3, 1905 (33 Stats .,107) the approval of the Commissioner's decision adverse to the application, is recommended.

Very respectfully,

C.F.Larrabee
Acting Commissioner.

MMH HL

En. 961

Muskogee, Indian Territory, November 22, 1906.

Censie Tiger,

Sapulpa, Indian Territory.

Dear Sir:

You are hereby notified that under date of November 15, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1906, denying the application made by you for the enrollment of Sukey Squire, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

En. 961

Muskogee, Indian Territory, November 22, 1906.

H. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that under date of November 16, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1906, denying the application of Gensie Tiger for the enrollment of Sukey Squire, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

En 961

Muskogee, Indian Territory, December 31, 1905.

Clerk in Charge,

Creek Land Office,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of November 15, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, rejecting the application for the enrollment of Sukey Squire, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

RESIDENCE:

POST OFFICE:

Wialaka, Ind. Ter

Nation.

Roll.

CARD NO.

FIELD NO. 3921

Dawes' Roll No.	NAME.	Relationship to Person first Named.	AGE	SEX	BLOOD.	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.					
						Year.	District.	No.	Name of Father.	Year.	District.	Name of Mother.	Year.	District.
1	Squire, Suky		21	F	Full	1895	Encher	96	Charlar	1895	Encher	Jennie Charlar	1895	Encher
2														
3														
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18														

Card
No. 332
No. 1 on 1890 Roll, page 100, as Suky Charlar.
1 transferred from Creek Census Card No. 332
1 died in May 1899. Proof of death attached
Jan. 19 1899 - L. David & Co. June 18-1902

CT. & GRIFF
ISSUED FOR NO. 1

MAR 3 1902

CR EN 962

CR EN 962

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, APRIL 5, 1905.

-ooOoo-

In the matter of the application for the enrollment of Lena Sands, as a citizen by blood of the Creek Nation.

PHILIP SANDS, being duly sworn, testified, as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Philip Sands.
Q How old are you? A About thirty.
Q What is your postoffice address? A Senora.
Q Are you a citizen of the Creek Nation? A Yes.
Q What is the name of your wife? A Martha Sands.
Q Is she a citizen of the Creek Nation? A Yes.
Q Are you a full blood Creek Indian? A Yes.
Q Is your wife a full blood Creek Indian? A Yes.

Records of the Commission examined and on Creek Indian Card, Field Number 1778, are found the names of Philip and Martha Sands, who were listed for enrollment April 2, 1900, and their names are contained in the partial list of citizens by blood, approved by the Secretary of the Interior March 28, 1902, Roll Numbers 5674 and 5675.

- Q Did you have a child named Lena Sands? A Yes.
Q Is she living? A No, dead.
Q When was Lena Sands born? A May 2, 1901.
Q When did she die? A December 4, 1904.
Q Was it last December that she died? A Last December.
Q Do you know what year this is? A Yes.
Q What? A 1905.
Q Your child, Lena, died just a little before last Christmas, is that right? A Yes.
Q How old was she when she died? A A little over three years--
I do not know exactly how old.
Q Are you positive that the child was born in May, 1901? A Yes.
Q Are you positive that it was on the 2nd of May? A Yes.
Q What makes you remember that it was on May 2nd, 1901, did you put it down in a book or anywhere? A Yes.
Q What kind of a book? A I put it down on a pocket-book.
Q Did you bring that pocket-book with you? A No.
Q Have you got it at home now? A Yes.
Q Did you write that down yourself? A Yes.
Q What did you write down in that book about the birth of this child, Lena? A Lena Sands born 2nd day of May, 1901.
Q Lena Sands was born 2nd day of May, 1901, that is what it says?
A Yes.

Sands. #2.

- Q Did you put down the date of the death of Lena too? A Yes.
Q In the same book? A Yes.
Q What did you write that with, pen or pencil? A Put down when she died with pencil, I think.
Q Did you put down the date of the birth of Lena right after she was born? A Yes, the same day.
Q Did you put down the date of her death the same day she died?
A Yes, the same night.

There is on file with the Commission an affidavit executed by Martha Sands relative to the birth of her child, Lena Sands. Said affidavit states that the child was born May 2, 1901, and was living at the time of the application, August 18, 1904.

Also, the affidavit of the mid-wife, Rose Thompson.

- Q Have you any other witnesses in this case? A I got Roley McIntosh, and Daniel Starr I told him to come down here but he is not here.
Q Do you remember when the Creek Supplemental Treaty was made at Okmulgee? A Yes, May 25, 1901.
Q Was your child, Lena Sands, born before that? A Yes, just like it is down in the affidavit May 2nd.

The witness is advised that the Commission desires him to produce the record, which he says he has at home, concerning the birth and death of Lena Sands, also to have his wife, Martha Sands, and the mid-wife, Rose Thompson, appear before the Commission, for this purpose thirty days from date will be allowed.

Witness states: Rose Thompson, the mid-wife, is my sister; she is dead.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Subscribed and sworn
to before me this
day of April, 1905

AUG 21 1905

Zera Ellen Parrish

Edward S. S. S.
Notary Public.

214

20

IN RE

2419

Application for Enrollment of

INFANT CHILD

Lena Sands

as a citizen of

Sevren

Nation.

Approved

190

Commissioner.

Parents on Cr. Card 1778

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 20 1904

CHAIRMAN

MB C

604

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the

Creek

Nation.

of Lena Sandsborn on the 2 day of May, 1901

Name of Father:

Phillip Sands

a citizen of the

Creek

Nation.

Name of Mother:

Martha Sands

a citizen of the

Creek

Nation.

Postoffice

Senora A. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Western

DISTRICT.

1.

Martha Sands

on oath state that I am

23

years of age and a citizen, by

blood

of the

Creek

Nation;

that I am the lawful wife of

Phillip Sands

who is a citizen, by

blood

of the

Creek

Nation; that a

female

child was

born to me on

2

day of

May1901; that said child has been namedLena Sands

and is now living.

WITNESSES TO MARK:

Martha Sands

(Must be Two Witnesses.)

Daniel W. StarrThomas Thompson

Subscribed and sworn to before me this

18

day of

Aug1904My com Expires Aug 30 1906Chas. N. Mearns

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Western

DISTRICT.

1.

Rose Thompsona midwife

on oath state that I

attended on Mrs.

Martha Sands

wife of

Phillip Sands

on the

2

day of

May1901; that there was born to her on said date afemale

(Male or Female.)

child; that said child is now living and is said to have been named

Lena SandsRose Thompson

WITNESSES TO MARK:

(Must be Two Witnesses.)

Daniel W. StarrThomas Thompson

Subscribed and sworn to before me this

18

day of

Aug1904My com Expires Aug 30 1906Chas. N. Mearns

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lena Sands, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on August 20, 1904, the affidavit of Martha Sands, relative to the birth of her minor child, Lena Sands, now deceased, was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, which said affidavit is considered as an application for the enrollment of said Lena Sands, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had April 5, 1905.

The evidence shows that said Lena Sands, deceased, was born May 2, 1901, and that she died December 4, 1904.

The evidence further shows that said Lena Sands, deceased, was the minor child of Phillip Sands and Martha Sands, and that the names of said Phillip Sands and Martha Sands are contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, roll Nos. 5674 and 5675, respectively.

It is, therefore, ordered and adjudged that said Lena Sands, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress June 30, 1902 (32 Stats., 500), and the application for her enrollment as such is accordingly granted.

Muskogee, Indian Territory.


Commissioner.

OCT 12 1905

Muskogee, Indian Territory, November 19, 1904.

Martha Sands,

Senora, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit relative to the birth of your minor child, Lena Sands, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation.

You are required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of birth of said Lena Sands, for the purpose of being examined under oath.

Respectfully,

Chairman.

Register.

J.H.S.
B.A.-214.

Muskegee, Indian Territory, December 2, 1904.

Philip Sands,

Seneca, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of November 26, relative to your child, Lena Sands.

It is stated that the child and her mother are sick and you are unable to inform the Commission when the mother will be able to appear before the Commission with her witnesses.

When the mother of the child has recovered from her illness it is desired that she appear before the Commission at its office in Muskegee, Indian Territory, with witnesses who know the date of birth of Lena Sands for the purpose of being examined under oath.

Respectfully,

Chairman.

28/3

B. A. 214

Muskogee, Indian Territory, December 8, 1904.

Phillip Sands,

Seneca, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 5, relative to the right to enrollment of your child, Lena Sands. It is stated that the child died December 4.

You request to be advised whether you can prosecute the matter of the application for her enrollment.

November 8, 1904, the Commission advised you that "when the mother of the child has recovered from her illness, it is desired that she appear before the Commission at its office in Muskogee, Indian Territory, with witnesses who know the date of birth of Lena Sands for the purpose of being examined under oath."

The Commission still desires the evidence indicated, and also evidence showing the date of the child's death.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 13, 1905.

M. L. Hott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Lena Sands, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if, at the expiration of that time, no protest has been made, said Lena Sands, deceased will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

JYM-13-4

ON 11 962

Muskogee, Indian Territory, December 5, 1905.

Philip Sands.

Senora, Indian Territory.

Dear Sir:

You are hereby advised that the name of your deceased minor child, Lena Sands, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior November 27, 1905, and that application by the legal representatives for the heirs of said child for a selection of land in the Creek Nation may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Acting Commissioner

CR EN 963

CR EN 963

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 10, 1908.

In the matter of the application for the enrollment of
Freddie Evans as a Creek freedman.

Phillis Evans, being duly sworn, testified as follows:

By Commissioner:

- Q What is your name? A Phillis Evans.
Q What is your age? A 44
Q What is your post office? A Muskogee.
Q What was the name of your father? A Pickett Rentie.
Q What was the name of your mother? A Mary Rentie.

Witness is identified as Phillis Evans on Creek freedman card
583 opposite roll No. 2315

- Q Did you have a child named Freddie Evans? A Yes, sir
Q What is the name of the father of that child? A John Evans.
Q Was he a citizen of the Creek Nation? A No, sir
Q A citizen of the United States? A Yes, sir
Q Is that child living? A No, sir
Q When was Freddie born? A On the 15th of July
Q What year? A The first year the land office opened.
Q 1899? A Yes, sir
Q When did he die? A He died when he was three days old going
on four.
Q Are you sure he didn't live as much as a week? A Yes, sir
Q You are sure he didn't live as much as two weeks? A Yes, sir
Q Did you have a midwife? A Yes but she is dead
Q You are certain the child didn't live a week and that he was
born in July the year the land office opened? A Yes, sir

M.F. Williams, being duly sworn, testified as follows:

- Q Do you know this lady, doctor? A Yes, sir
Q State what you know about the case? A I know there was such a
child but I wasn't there when it was born. She wasn't doing well
and came up to my office after the child was born, I think if it
had been living it would have been eight days old.
Q Did you tell that from her condition? A No what she told me
I know her very well.

Phillis Evans recalled.

- Q Are you certain of the time this child was born? A Yes, sir.
Q You are sure it was July 15 the year the land office opened
and that it didn't live as much as a week? A Yes, sir

Affidavit of the midwife filed and made a part of the record
and is considered as an application.

Bud Dean, being duly sworn, testified as follows:

- Q What is your name? A Bud Dean.
Q What is your age? A 40 or 50.
Q What is your post office address? A Muskogee.
Q Do you know Phillis Evans? A Yes, sir.
Q Do you know a child of hers named Freddie Evans? A Yes, sir

Q How long did it live? A That child lived about as near as I can get at it, about six or seven days.

Q How do you know that its name was Freddie? A I live right close

Q Do they usually name a child when it is so young? A I don't know, they called it Freddie

Q At what age did they name that child? A I don't know

Q When did you first find out its name was Freddie? A Don't know.

Q How long after its death did you find out its name was Freddie? A I found out before it died.

Q Are you positive it didn't live more than six or seven days?

A Yes as near as I can get at it.

I, Anna Garrigues, do oath state that the above and foregoing is a true and correct copy of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Henry G. Harris
Notary Public.

Subscribed and sworn to before me this 11th day
of August 1906.

En. 963

I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Freddie Evans, deceased, as a Creek freedman.

O R D E R.

The record in this case shows that on June 15, 1901, there was filed with the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, the affidavit of Phillis Evans relative to the death of her minor child, Freddie Evans, which said affidavit is considered as an application for the enrollment of said Freddie Evans, deceased, as a Creek freedman. Further proceedings were had August 10, 1905.

It appearing from the affidavits and the testimony in this case that the applicant, Freddie Evans, deceased, was born subsequent to April 1, 1890 and that he died July 18, 1899, it is hereby ordered that the application for the enrollment of said Freddie Evans, deceased, as a Creek freedman be and the same is hereby dismissed.



Commissioner.

Muskogee, Indian Territory,

JAN 12 1906

Shakegee, Indian Territory, January 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Freddie Evans, deceased, as a Creek Freedman, including the order of the Commissioner to the Five Civilized Tribes, dated January 12, 1906.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

JYM-15-9

Muskogee, Indian Territory, January 15, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the order of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Freddie Evans, deceased, as a Creek Freedman.

The order, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this Office is informed of the same.

Respectfully,

Commissioner.

JYM-15-6

Or En 963

Muskogee, Indian Territory, January 15, 1906.

Phillis Evans,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the order of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Freddie Evans, deceased, as a Creek Freedman, dismissing said application.

The order, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as soon as this Office is informed of the same.

Respectfully,

Commissioner.

JYM-15-7

Cr. En. 963

C.R.V.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

I. T. D. 2544-1906.

February 21, 1906.

L. R. S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 15, 1906, you transmitted the record in the matter of the application for the enrollment for Freddie Evans, deceased, as a Creek freedman.

Reporting February 12, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated January 12, 1906, is hereby affirmed.

Respectfully,

(Signed) Thos Ryan
First Assistant Secretary.

1 inclosure.

COPY

LAND:
5455-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

#963

February 12, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 15, 1906, transmitting the record of the application for enrollment as a Creek Freedman of Freddie Evans, deceased.

January 12, 1906, the Commissioner decided adversely to the application.

The record shows that Freddie Evans was born subsequent to April 1, 1899 and that he died July 15, 1899.

In view of the record and of Section 28 of the Act of March 1, 1902 (31 Stats., 861) the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MM

C

En. 963.

Muskogee, Indian Territory, March 1, 1906.

Phillis Evans,
General Delivery,
Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, on February 21, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Freddie Evans, deceased, as a Creek Freedman.

Respectfully,

Acting Commissioner.

En. 963.

Muskogee, Indian Territory, March 1, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, on February 21, 1906, affirmed the decision of the Commissioner to the five Civilized Tribes denying the application for the enrollment of Freddie Evans, deceased, as a Creek Freedman.

Respectfully,

Acting Commissioner.

CR EN 964

CR EN 964

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, JUNE 25th, 1901.

In the matter of the application of Hecsey Levett for the enrollment of herself and her minor child, Henry Hill as citizens of the Creek Nation. Hecsey Levett being duly sworn testified as follows:

Examination by the Commission.

- Q As a citizen of what nation are you now an applicant for enrollment? A To the Creek.
- Q What is your name? A Hecsey Levett.
- Q What is your age? A I guess I am about 51, may be older, I don't know.
- Q What is your post office address? A Muskogee.
- Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir.
- Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? I've been enrolled by my aunt, I didn't.
- Q Does your name appear upon the tribal rolls of the Creek Nation as a citizen of the Creek Nation? A On the Dunn roll?
- Q No on the tribal rolls. A I don't know what you mean, I don't know anything about it, my aunty knows about it, but you ought to find my name on the roll.
- Q Where do you live? A I live out here about two miles and a half, may be more.
- Q How long have you lived there? A I just moved there this fall, but I've been here longer than that.
- Q Where did you live before that? A I lived at Dave McHao's.
- Q How long did you live there? A Two years.
- Q Where did you live prior to that time? A I lived at my brother's.
- Q Where? A On Pecan Creek.
- Q How long did you live there? A Two years.
- Q Where did you live prior to that time? A I lived with Jessie Johnson, out on the prairie.
- Q In the Creek Nation? A Yes, sir, right out there on the prairie on the Okmulgee road.
- Q How long did you live there? A Lived there a year.
- Q Where did you live prior to that time? A I guess thats about all the places since I have been here.
- Q What I want to know is where did you live before that?
- A I came from Missouri.
- Q How long did you live in Missouri? A I couldn't tell you.
- Q About how long? A I don't know.
- Q Where were you born? A Down on North Fork.
- Q In the Creek Nation? A Yes, sir.
- Q Where did you live before you went to Missouri? A Lived on North Fork.
- Q Do you know how old you were when you went to Missouri? A Not exactly.
- Q About how old? A About 14 years old, I couldn't tell, I don't know my age I am uneducated.
- Q What is the name of your father? A Robert Johnson.
- Q Is he living? A No, sir, he is dead.
- Q Is his name on any of the rolls of the Creek Nation?
- A I don't know, it may be.
- Q Was he a citizen of the Creek Nation? A Yes, sir.
- Q What town did he belong to? A North Fork.
- Q What is the name of your mother? A Maria.
- Q Maria what? A She belonged to Hannie Miller.

- Q Is she living? A No, sir
Q Was she a citizen of the Creek Nation? A Yes, sir
Q What town did she belong to? A North Fork
Q Does her name appear on the tribal rolls of the Creek Nation?
A Not that I know of
Q Have you been outside the Territory in the past four years?
A No, sir
Q Does your name appear on the 1890 authenticated roll of the
Creek Nation? A I don't know anything about it
Q What town do you belong to? A Arkansas.

1890 Authenticated roll of the Creek Nation, Arkansas
Town examined and the name of Nacey Lovett not found thereon

- Q Does your name appear on the 1895 Authenticated roll of the
Creek Nation? A I don't know.

1895 Authenticated roll of the Creek Nation examined
and the name of Nacey Lovett not found thereon.

- Q Do you claim to be a Creek freedman or a Creek Indian by blood?
A Creek freedman.
Q Does your name appear on the roll of Creek freedmen made by
Major Dunn prior to March 14th, 1867? A Yes, it is on the Dunn
roll.
Q What is your name on the Dunn roll? A Nacey Lovett

The roll of Creek freedmen made by J.W.Dunn prior to March
14, 1867, examined and the name of Nacey Lovett found
thereon at number 732, Arkansas District. The records of
the Commission show that Nacey Lovett age 70, North Fork
Town, is enrolled on Creek freedman card, field number 314,
and that the father of said Nacey Lovett is Joseph Lovett
and the mother Sarah.

The records also show that said Nacey Lovett is enrolled
on Freedmen Card field number 314 is a male, and the
applicant is a female.

- Q Are you making application for any one else besides yourself?
A For all my children.
Q Have you any children under twenty years of age and unmarried
for whom you now desire to make application? A Yes, one
Q What is its name? A Henry Hill
Q How old is Henry? Will be eighteen the 16 of August.
Q Is he living? A Yes, sir
Q Does he live with you? A Yes, sir, he lives right out there in
the country where I live.
Q Who is the father of Henry Hill? A Henry Hill.
Q Is Henry Hill, the father of your minor child, a citizen of
the Creek Nation? A No, sir he was not a citizen
Q What was his citizenship? A United States man.
Q Does the name of Henry Hill appear on the tribal rolls of the
Creek Nation? A I don't know.
Q Did you ever draw any money for him? A No, sir
Q Did you ever draw any money for yourself? A I haven't drawn
any myself but my aunt did, I don't know how much but my aunt
acted as guardian for me and drew it.
Q Did you get the money she drew for you? A I got about two or
three dollars

Q How old were you when you got that two or three dollars?
A Old as I am now and I am about 51 years old, and that's all she gave me, but she said she would let me have some more.
Q Is your aunt living? A She was from last account
Q Where does she live? A On the side of the Seminole Nation line
Q What is her name? A Nancy Lovett
Q Where did she get that money she gave you? A I don't know
I never asked her where she got it
Q Where were you living during the war? A On North Fork I reckon
I dont know just exactly where I was, I was young. I dont know
whether I was here on North Fork or at Bird Creek, I dont know
exactly, I was young
Q You remember all about the war don't you? A I know some little
about it, I was captured during the war.
Q Where did they take you to? A To Missouri I guess, that's
where I came from, thats where I found myself
Q Did you stay in Missouri from the time you were captured during
the war up until the time you returned to the Creek Nation?
A Yes, sir
Q Where was Henry Hill, your minor child born? A Born in Missouri
Q When did he come to the Territory? A I brought him with me
when I came.
Q Has he lived with you ever since he came to the Territory? A
Yes, sir
Q You never drew any money for Henry Hill? A No, sir
Q You never drew any for yourself? A No, sir
Q Is there any other statements that you desire to make with
reference to your application at this time? A I don't know as I
do, as I dont know what is what myself
By Mr. Lowery attorney for applicant.
Q How old did you say you were? A About 51
Q What family were you enrolled with on the Dunn roll? And
in what town? A Nancy Lovett in the Arkansas Town.
Q Any other relatives? A Theres lots of them on the roll, my
aunt and my cousins.
Q How old were the others that you were enrolled with? A
I dont know.
Q Do you know Gato Lovett? A Yes, sir
Q What relation is he to you? A He is my first cousin
Q What relation is Lydia to you? A Shes my cousin
Q Joseph Lovett? A That was my uncle by marriage
Q Do you know Scipie Lovett? A I dont know
Q You ever was enrolled in any other town except the Arkansas
Town? A Thats all, the only town that I know of. know
Q Do you know at this time, or did you know at that time of any
other Necey Lovett in the Creek Nation, Indian Territory?
A No, sir, I dont know. I dont know only just what my aunty calls
me, my right name is Nancy but she calls me Necey and had my
name put down Necey
Q Is that a nickname? A Yes, a nickname.
Q Who paid that money you say you got--you got that money?-- you
got it since you came from Missouri? A Yes, sir
Q Did you have a conversation with your aunt when you got that
money? A Yes, sir
Q Just state what conversation relative to the money
A She told me she had been drawing it and she told me that
she would had more to give me but cousin Ketter borrowed it to
get him a suit of clothes.
Q In that conversation did your aunt say where that payment came
from whether it was the Dunn payment or some other payment?
A She didn't tell me at all where it came from.
By the Commission
Applicant offers in evidence 1896 Authenticated roll of the
Creek Nation, page 156 for the purpose of showing that
the name of Necey Lovett is spelled Neasey Lovett and is
not enrolled with any other family but enrolled alone.
By Mr Lowery attorney for applicant.

Applicant further desires to show from the records that the applicant Necessy Lovett, number 732 spelled Necessy Lovett as appears from the original Dunn roll of the Arkansas town is included with the following family: Scipio Lovett, Polly Lovett, Joseph Lovett, Nancy Lovett, Necessy Lovett, Cato Lovett and Lydia Lovett.

Q You heard the names that I have called off of this roll, are they are any relatives of yours? A Yes, sir, they are all my relatives.

Q Do you know Necessy Lovett in the North Fork town? A No, sir

Q Have you any relatives by the name of Necessy Lovett in the North Fork town? A I guess so, I don't know.

Q Nancy is your aunt? A Yes, sir, my own aunt, my papa's own sister. By Mr. Reed, attorney for Creek Nation.

Q What is your name? A My right name is Nancy Wallace, that is what I go by

Q Did you state that you were here when the Dunn roll was made up A I don't know, I was small and didn't know anything about it, I was young.

Q You don't know if your name is on the Dunn roll? A Yes, sir it is on the Dunn roll.

Q Did you appear before Major Dunn on March 14th 1867, and had your name registered? A My aunt had it put down.

Q And was you there? A No, sir, I don't know where I was at that time.

Q Well during--before the war broke out where was you? A On North Fork.

Q And who did you belong to? A I first belonged to Nancy Miller and then to Winnie Berryhill last.

Q And who to the next? A Didn't belong to anybody.

Q When was that? A I was young and ignorance and can't tell you anything about it.

Q Who captured? A Soldiers I suppose, I don't know.

Q What they done with you after they captured you? A Carried me north.

Q What they done with you after they carried you north? A They dropped me down like a dog I suppose and an old colored was good enough to take me.

Were you the mother of one child when they captured you?

A Yes, sir, it was a little bit of a baby in my arms.

Q Was the war going on then? A Must have been. I guess it was because we was running, my mistress was running with me when I was taken away from her.

Q Which way was your mistress running going south? A Going north

Q After you were dropped in Missouri, how long you remain before coming to this country? A I couldn't tell, I have no idea

Q Well, you were captured and carried to Missouri, well were you away from the Creek Nation until six years ago? A Yes, I was away until six years ago

Q Had you been recognized by the Colbert Commission as a citizen of the Creek Nation; did you make application before the Colbert Commission? A I don't know. I did before the Commissioners.

Q Had they recognized you as a citizen? A Yes, sir By the Commission.

The records of the Colbert Citizenship Commission examined and the name of Nancy Foster not found to have made application to said citizenship Commission.

By Mr. Reed, attorney for the Creek Nation.

Q Had you made application before the Dawes Commission for citizenship? A Yes, sir

Q What they done with that, accept it? A Yes, sir, I have been before the Commissioners, and they put me off.

By the Commission.

Q Were you admitted by the Commission to the Commission to the Five Civilized Tribes as a citizen of the Creek Nation under the act of Congress approved June 10th 1896? A I don't know anything about it.

The list of citizens admitted by the Commission to the Five Civilized Tribes, examined and the name of the applicant not found thereon.

Q Were you admitted by the United States Court for the Indian Territory upon appeal from the decision of the Commission to the Five Civilized Tribes as a citizen of the Creek Nation under the act of June 10th, 1896? A Not that I know of.

The court records of the United States Court for the Northern District for the Indian Territory examined and the name of the applicant not found to have been admitted by the judgment of said court.

By Mr. Lowery

Q Now Mrs. Wallace you give me the facts that all these applications that you have made before the Dawes Commission or any other Commission had just simply been ordinary conversation that you had with people to carry your case through the Commission? A Yes, sir

Tobias McIntosh being duly sworn testified as follows:

By Mr. Lowery

Q What is your name? A Tobias McIntosh.

Q How old are you Mr. McIntosh? A I don't know bit I think I was born in '39.

Q Do you know Mrs. Wallace, nee Lovett? A Yes, sir

Q How long have you known her? A I have known her from a young girl up, stayed with her aunt, she was about 12 or 13 years old

Q State to the best of your knowledge whether this is the identical Necey Lovett whose name appears on the Arkansas Town, number

732 which appears with Nancy Lovett? A It appears so, her name was Nancy and her aunt's name was Nancy Lovett, but they changed her name when they put them on the roll, Nancy and Necey.

Q Mr. McIntosh, please state now through what source, if any, that you are acquainted with the Dunn Roll? A Yes, sir because I interpreted it.

Q At what time? A It was in '70, if I ain't mistaken, may be longer

Q Was it at the time of the making up of the Dunn roll? A Yes, sir

Q Then to refresh your memory wasn't it in '66 or '67?

A I might have been mistaken in the date but it was the time of the making of the Dunn roll.

By Mr. Reed attorney for Creek Nation.

Q Mr. McIntosh are you a citizen of the Creek Nation?

A I should smile I was.

Q You state that you were there at the time the Dunn roll was made up? A Yes, sir

Q Did you see this lady there? A I never seen her

Q When did you see this lady, Mr. McIntosh? the last?

A The last I seen this lady, I reckon it was about a month ago when I saw her. You mean the last time I seen her, I never seen her since the Dunn roll was made up. I saw her before the Dunn roll was made.

Q How long before the Dunn roll was made that you seen her?

A I couldn't tell you.

Q Did you see her during the war? A Yes, sir

Q You saw her before the war? A Yes, sir

Q Did you see her during the war? A No, sir

Q Well after the war when did you see her? A About three months ago

Q Well then you interpreted for Dunn making up that roll you state?

A Yes

Q Well, you interpreted for her? A For this girl, I told you I never seen her.

Q We want to know your reason,-----66666 We want to know -----

how do you know that this is the same identical person this Necey that appears on the Dunn roll? A She was enrolled with her aunt. I recognize this woman because she rolled right with her aunt, and by looking at her I knew. If anybody know Charley Foster would know her.

Q Now isn't it a fact that you assume that this is the same person that is on the Dunn roll? A Yes, sir of course. If Nancy Lovett had enrolled any other girl as Niecey Lovett, that must be this woman.

By Mr. McKellop, attorney for the Creek Nation.

The Counsel for the nation desires to reserve the right to raise the question under the Creek agreement as to the right of the applicant to be enrolled as a citizen of the Creek Nation, and that in case, the question of law that will be included in this record is overruled by the Commission, the counsel for the nation asks the Commission to hold the case open in order that witnesses properly mentioned may be secured. The nation has had no notice of this case and we hold them in cases of this nation, while it is necessary to take testimony the nation should be properly notified and be given reasonable time to secure witnesses to offer evidence on the part of the Creek Nation, and with this understanding, the brief of the counsel for the applicant, we agreed for the applicant to proceed with the examination. By the Commission.

The Commission will proceed to hear the testimony in this case. The objection of counsel for the Creek will be preserved in the records and counsel for the Creek Nation will be permitted to introduce evidence at some future date.

By Mr. Lowery, attorney for applicant.

Q Mr. McIntosh, what is your mother language, Creek or English? A Yes, Creek

Q You don't understand English language as well as you do Creek? A No, sir unless it is explained exactly what it means.

Q Then the question that Judge Reed asked you about assuming this was the same Necey Lovett, you didn't understand it, did you? A No, sir I didn't understand it.

Q How came you to recognize Necey Lovett of being the same girl you had known was on the Dunn roll, at the time you seen her after she came back? A I met her on the street and I said "this wasn't Necey, Robert Johnson daughter?" "She said" "Yes" and that was the way I recognized her.

Q And that was the first time you seen her since she had gone away at the time spoken of during the war? A Yes, sir the first time.

By Mr. Reed

Q I understood you to say that you had never seen this woman in the breaking out of the war and you never seen her until a few months ago? A Yes, sir that is what I said.

Q Mr. McIntosh was this woman present when the people were registering on the Dunn roll? A I don't remember seeing her

Q You said since the Dunn roll was made you never seen her until a few months ago, did you say? A About three months ago.

Q Well I ask you again, as you didn't see her on the ground when they were registering, how do you know that this is the person that this is the very identical person on the Dunn roll? A Nancy Lovett was on the ground when the Dunn roll was made, she was there; Nancy Lovett was there; and this girl she had named Niecey and I told you if she had a girl by the name of Niecey this must have the woman.

Q Didn't this woman have a father? A Yes, she had a father, Robert Johnson.

Q Was Nancy Lovett her mother? A Her aunt, Robert Johnson sister

Q Well, the time the Dunn roll was made up the time when you were registering the names, wasn't Robert Johnson living then?

A Yes, sir but he was a Seminole.

Q So you believe that this is the same Niecey? A Yes, sir I do By Mr. McKelley attorney for Creek Nation.

Q Mr. McIntosh, did you see this applicant, Niecey Lovett after the war closed? A I seen her before the war, and after the war I never seen her until I met her here.

Q You didn't see her then? A Yes, sir

Q How long before the war? A Well, I couldn't exactly say how long afore the war because we people never keep a record like you all do, but I seen her along some way in '59 or '56, some way along there.

Q And you didn't see her any more until about three months ago?

A Yes, sir

Q That was 40 or 42 years from the time you first saw her?

A Somewhere along there, I didn't keep any record.

Q And still you claim you recognized her when you saw her? A Yes, sir

Q How old was Niecey when you saw her in '58 or '59? A I think she must have been something about 13 or 12 years old

Counsel for the Creek Nation object to the enrollment of the applicant, Niecey Lovett, as a citizen of the Creek Nation for the reason that the act of Congress ratifying the late Agreement between the Creek Nation and the United States declares that said Agreement "shall be of full force and effect when ratified by the Creek National Council." Art. 28 " of said agreement declares that " no person whomsoever shall be added to said rolls after the ratification of this Agreement." Art. 41 " of said Agreement provides that "no act of Congress or treaty provision inconsistent with this agreement shall be in force in said Nation except section fourteen" of the act of June 28th, 1898. From the above cited provisions of the said Creek Agreement Counsel for the Creek Nation held that the Creek rolls were closed on the 25th day of May, 1901 when the said agreement was ratified by the Creek National Council; and that since said date no person can be enrolled except such persons as are specifically mentioned and excepted in said Art. 28" It is contended by Counsel for the Creek Nation that said applicant does not come under the exceptions mentioned in said Art. 28" because she has never been recognized as a citizen of the Creek Nation and her name does not appear on the Creek rolls.

This case continued until July 1st, 1901, to give applicant an opportunity to produce further witness.

Lena Cummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 24th and 25th days of June A.D.1901 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

(signed) Lena Cummings

Subscribed and sworn to before me at Muskogee, Indian Territory this 27th day of June A.D.1901

(Signed) C.R.Breckinridge

Commissioner in Charge

I, Anna Garrigues, state on oath that the above is a true copy of the original now on file in this office.

Subscribed and sworn to before me this 6th day of September 1906

Henry M. Harris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. AUGUST 24, 1904.

In the matter of the application for the enrollment of Lonzo
Huddleston as a Creek Freedman.

APPEARANCES: Crump & Bailey, attorneys for applicant:

Necey Lovett being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Necey Lovett.
Q How old are you? A I don't know; I guess 54 or more.
Q What is your post office address? A Muskogee.
Q Do you want to apply for a boy of yours as a Creek Freedman? A Yes, sir, Lonzo Huddleston.
Q How old is that boy? A I guess about 24.
Q Has he ever been married? A Yes sir.
Q Has he any children? A No sir, not, that I know of.
Q Where does he live? A Lives here when he is out of jail.
Q He is in jail, is he? A Yes sir.
Q How long has he been in jail? A I can't tell you.
Q Has it been a year? A I don't know sir; might be two months and might be over.
Q Was he living with you when he was sent to jail? A No sir; he was living here in town and I lived in the country.
Q How long has he been living here? A I don't know sir exactly; he has not been here very long.
Q Did he have a house? A He was living with me and come to town and hired out.
Q How long was he living with you- here? A About two months.
Q Had he been away sometime? A Yes sir, to Missouri.
Q How long since he came here from Missouri? A I guess three or four months since he came back this last time.
Q How long had he been away from here when he came back this last time? A Three months--- I don't know--- I guess.
Q Where is your husband? A He is at home.
Q What is the name of this boy's father? A William Huddleston.
Q Where does he live? A In Muskogee, if he is living.
Q You say your present husband would know something about this case? A I don't know about how long he has been here; he has been here three times and went back to Missouri.
Q How long have you been living with your present husband? A About 15 years.
Q Does this boy live with you? A Yes, off and on.
Q Does he stay with his father sometime? A I don't know.

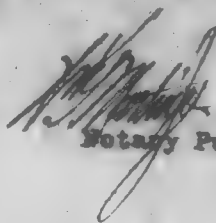
This case is continued for further testimony and this applicant is advised to have her husband appear before the Commission.

Henry G. Hains being duly sworn on his oath states that as stenographer

to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 28 day of September, 1904.



Notary Public.

DEPARTMENT OF THE INTERIOR,
~~COMMISSIONER TO THE FIVE CIVILIZED TRIBES.~~
Muskogee, Indian Territory, August 15, 1905.

In the matter of the alleged application for the enrollment of Willie Perryman as a freedman of the Creek Nation.

V.J. Sullivan, attorney, appeared for the applicant.

Necey Lovett being duly sworn testified as follows:

Q What is your name? A Necey Lovett.

Q What is your age? A I couldn't tell exactly
(Witness appears to be about fifty years old.)

Q What is your post office address? A Muskogee.

Q Are you enrolled as a Creek freedman? A Yes, sir.

Q Have you a couple of children who were enrolled with you? A Yes, sir, Henry Hill and Alonzo Huddleston

Q Do you know this young man Willie Perryman is he your son? A Yes, sir

Q What was the name of his father? A William Perryman, he is named for his father, he was born a slave this child

Q Does he claim any rights through his father? A No, sir

Q If he has any rights they are through you? A Yes, sir

Q How long has Willie been in Indian Territory? A About three months. Just came about three months ago

Q Was that the first time he has been in the Creek Nation? A No, sir I carried him out of the Creek Nation.

Q When was that? A During the war

Q Was he born in the Creek Nation? A Yes, sir

Q How old was he when you took him out? A I couldn't tell

Q Did he ever come back? A Yes came back and went away and came back again

Q When was that? A Seven or eight years ago

Q How long did he stay that time? A I don't know exactly how long.

Q How long did he stay then? A I don't know exactly

Q Did he stay a month? A He might have stayed a month. I am not educated and I can't keep count

Q When did he come in what year? and how long did he stay?

A He stayed away three months and then he went back

Q Then he stayed away till he came back here three months ago?

A Yes, sir, has been down here right with me these last three months

Q Is this his home now do you know? A Yes, sir

Q This is his home this time is it? A Yes, sir he brought his family

Q Was any application ever made for his enrollment as a Creek freedman? A I made it at Okmulgee when I came here nine years ago before the Colbert Commission, the first year I came here at Okmulgee

Q Do you know if any application was ever made for his enrollment before the Dawes Commission? A Yes, sir

Q When? A Right down there in an old frame building

It does not appear of record that any application was made for his enrollment. A When I made my application for myself at Okmulgee.

Q It does not appear on the records that you made application for this boy before the Dawes Commission? A Well I did.

By V.J. Sullivan attorney for applicant.

Q The records of the Commission show that on June 25, 1901 you made application to them for enrollment as a Creek freedman, at Muskogee, Indian Territory at that time, do you remember now, whether or not you were asked the names of your children?

A Yes, sir I was asked

Q Did you give them? A Yes, sir

Q Did you give Willie Perryman's name? A Yes, sir

Q Did the Commission say anything about whether or not they would receive his name? A No, sir not that I remember, they just wanted to know if he was here and how old he was and I told them he was of age and they said he would have to be here to make his own application.

By Commissioner.

Q At that time he was away? A Yes, sir

Q Where? A In Missouri

Q At the time you first came before the Dawes Commission? A Yes, sir

By Mr. Sullivan.

Q You have received your allotment of land have you? A Yes, sir

Q Your son Henry Hill has received his? A Yes, sir

Q And Alonzo Huddleston? A Yes, sir

Q And this applicant Willie Perryman is your son? A Yes, sir.

Q By one William Perryman? A Yes, sir

Q When your son Willie Perryman was born were you at that time a slave? A Yes, sir and the child was born a slave.

Q Was that in the Creek Nation? A Yes, sir

Q And you were the slave of a Creek Indian? A Yes, sir, Winnie Berryhill I belonged to, a full blood

By Commissioner.

Q Is William Perryman the father of this boy living? A No, sir

Q When did he die? A I couldn't tell

Q About how long? A I don't know how long

Q That wasn't the only time you appeared before the Commission June 1901? That wasn't the only time came in August 1904

Q When you made application for yourself did you say anything about Willie at that time? A I think I did

Q Was he in this country at that time? A I don't know

By Mr. Sullivan.

Q You are not certain that the time you came in to make application for Alonzo that you made application for Willie are you? A No, sir

Q But you are certain when you made application for yourself that you did attempt to make application for him? A Yes, sir

By Commissioner.

Q When you came in here in 1901 and made application for yourself how long before that had you seen your boy Willie? A I don't know exactly

Q Was it two or three months or several months since you had seen him?

Objected to as immaterial.

A I can't tell exactly, I am uneducated can't tell A from B

Q Don't you know if you had heard from him for several years?

A I got letters from him

Q Did you get letters from him shortly before coming in to make your application? A I think I did.

Q Did he say anything about the state of his health at that time?

Objected to as immaterial.

Q Was he sick? A I dont know, I dont remember. I did have his letter but I got it misplaced

Q How old is he now? A I guess he is about thirty or forty years to the best of my knowledge.

By Mr. Sullivan.

Q Your name appears on the Dunn roll? A Yes, sir

Willie Perryman being duly sworn testified as follows:

Q What is your name? A Willie Perry (prompted by his mother the witness said Perryman is my right name but I didn't put it in)

Q How old are you? A I couldn't tell you

Q Cant you give some idea? A I dont know exactly

Q Are you twentyfive? A Oh yes

Q Are you thirty? A Yes

Or older? A Yes, sir

Q What is your post office address? A Kansas City, Missouri

Q Do you live in Missouri? A About two months

Q I asked what is your address now? A I dont know the number of the post office

Q Where do you live now? A Here now

Q Is this your home? A Yes, sir

Q How long has Indian Territory been your home? A I was taken out of here when I was little, don't know how long it has been I was a baby

Q Were you born here and went away a baby? A Yes, sir

Q Did you ever come back? A This is the first time I have been here

Q Are you sure of that? A Yes, sir

Q You were born in Indian Territory? A Yes, sir

Q You are sure of that? A Yes, sir

Q As a little baby you were taken out of here? A Yes, sir

Q Then did you ever come back here until three months ago? A No, sir

Q You are sure of that? A Yes, sir

Q At the time your mother made her application in 1901 before this commission to be enrolled did you know she was going to make an application? A No, sir

Q Did she consult with you in any way? A No, sir

Q Did she write and tell you she had made application? A No sir not as I know of

Q Did you ask her to make application for you? A Yes, sir I wrote and asked her and she said she couldn't because I was of age

Q Did she tell you she made application for herself? A Yes, sir

Q At the time she wrote you they wouldn't receive your application did she tell you she made application for herself? A Yes, sir

Q At the time she made application for you were you sick? A No, sir

Q Why didn't you come and make application for your self?

A I had a family and had to work

Q You dont claim she made application for your children? A No, sir they aint my children, they are my step children.

Q After hearing from your mother that they wouldn't receive the application you never came and attempted to make any application for yourself? A No, sir not until now.

I, Anna Garrigues, state that the above and foregoing is a true and correct copy of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me
this 15th day of August 1906.

Anna Garrigues
Edw. C. Giesse
Notary Public.

Q Was he sick? A I dont know, I dont remember. I did have his letter but I got it misplaced

Q How old is he now? A I guess he is about thirty or forty years to the best of my knowledge.

By Mr. Sullivan.

Q Your name appears on the Dunn roll? A Yes, sir

Willie Perryman being duly sworn testified as follows?

Q What is your name? A Willie Perry (prompted by his mother the witness said Perryman is my right name but I didn't put it in)

Q How old are you? A I couldn't tell you

Q Cant you give some idea? A I dont know exactly

Q Are you twentyfive? A Oh yes

Q Are you thirty? A Yes

or older? A Yes, sir

Q What is your post office address? A Kansas City, Missouri

Q Do you live in Missouri? A About two months

Q I asked what is your address now? A I dont know the number of the post office

Q Where do you live now? A Here now

Q Is this your home? A Yes, sir

Q How long has Indian Territory been your home? A I was taken out of here when I was little, don't know how long it has been I was a baby

Q Were you born here and went away a baby? A Yes, sir

Q Did you ever come back? A This is the first time I have been here

Q Are you sure of that? A Yes, sir

Q You were born in Indian Territory? A Yes, sir

Q You are sure of that? A Yes, sir

Q As a little baby you were taken out of here? A Yes, sir

Q Then did you ever come back here until three months ago? A No, sir

Q You are sure of that? A Yes, sir

Q At the time your mother made her application in 1901 before this commission to be enrolled did you know she was going to make an application? A No, sir

Q Did she consult with you in any way? A No, sir

Q Did she write and tell you she had made application? A No sir not as I know of

Q Did you ask her to make application for you? A Yes, sir I wrote and asked her and she said she couldn't because I was of age

Q Did she tell you she made application for herself? A Yes, sir

Q At the time she wrote you they wouldn't receive your application did she tell you she made application for herself? A Yes, sir

Q At the time she made application for you were you sick? A No, sir

Q Why didn't you come and make application for yourself?

A I had a family and had to work

Q You dont claim she made application for your children? A No, sir they aint my children, they are my step children.

Q After hearing from your mother that they wouldn't receive the application you never came and attempted to make any application for yourself? A No, sir not until now.

I, Anna Garrigues, state that the above and foregoing is a true and correct copy of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me
this 15th day of August 1906.

Anna Garrigues
Edw. L. Dineen
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY
JULY 16, 1904.

In the matter of the application for the enrollment of
Wallie Perryman, as a Creek Freedman.

APPEARANCES: L. H. Mott, counsel for Creek Nation.
W. Dave Sullivan, attorney for Applicant.

Questions by Commissioner:

William Perryman, being first duly sworn, testified as
follows:

- Q: What is your name? A: William Perryman.
Q: How old are you? A: I don't know exactly, I couldn't tell
you.
Q: Have you not been told your age? A: My mother told me
as much as she knows. She don't know exactly.
Q: What did she tell you? A: I don't know, I don't recollect
it at all, she might have told me but I don't recollect
it.
Q: What is your post-office address? A: It is the post-office
here.
Q: Muskogee? A: Yes sir.
Q: Do you get your mail general delivery here? A: Yes sir
I live in the country.
Q: What is your purpose in appearing here.
A: To see if I could get my rights, if I had any.
Q: What do you claim to be? A: Claim to be a Creek Freedman
I guess.
Q: Do you know where you were born? A: I was born I guess
right here at this place.
Q: How long did you live here after your birth? A: I was
small when I went away from here.
Q: You were taken away from here were you? A: Yes sir,
Q: With whom did you go away from here? A: With my mother.
Q: How old were you when you were taken away? A: I guess I was
about, may be, I don't know exactly, I couldn't say.
It will be best for me not to try, I couldn't tell the
truth about it.
Q: Did your mother tell you how old you were when you were
taken away? A: Yes, she told me as far as that is con-
cerned but I don't recollect what certain age it was.
Q: Did she ever tell you that you were taken away before the
war, or during the war? A: Long before I think as near
as I can recollect.
Q: Is that what she has told you? A: I think so unless I
can't recollect.
Q: Have you lived out of the territory most of your life?
A: Yes sir, I have lived out of it a big portion of it.
Q: Did you ever return to the territory until about 5 or 6
months ago? A: It has been over a year I have been back
here over a year I know that for certain myself.
I came back here on the 4th. day of last June a year ago.
Q: Had you come back to the territory before that time?
A: No sir.
Q: From the time you were taken away as a small child or as a
baby until you came back a year ago last June, you wasn't be
back to the territory? A: Not as I can recollect.
Q: Do you know whether you were ever enrolled by any of the
tribal authorities of the Creek Nation as a Creek Freedman?

- A: I don't know, I couldn't say, I don't know.
Q: Do you know whether you were ever admitted by any of the United States authorities as a citizen of the Creek Nation?
A: Not as I know of.
Q: Did you ever receive any payments from the Creek Nation?
A: Nary one.
Q: Do you know whether your name appears on any of the authenticated tribal rolls of the Creek Nation?
A: No sir, I don't.

Questions by W. Dave Sullivan, counsel for Applicant:

- Q: After you were taken out of the Creek nation as you say, by your mother and after you gre up to be a big boy, or a man, have you traveled about from place to place a good deal? A: Yes sir.
Q: Do you know the boundary lines of the Creek Nation? Do you know when you first come into the Creek Nation from some place else? A: No sir.
Q: Then in your travels you don't know whether you have been in the Creek Nation or not? A: I expect I was in the line but if I was I don't know it, I wouldn't say I was not in or I wouldn't say I was. I was as far as Febrel Arkansas I know. That is as near as I know anything about.
Q: What is your mother's name? A: Wel she is on the roll by the name of Nocy Lovett.
Q: I don't care anything about the roll, I want to know what her name is? A: Mattie Wallace.
Q: What is her name now? A: Mattie Wallace, or Mattie Nocy Wallace.
Q: Is Nocy Lovett and Mattie Wallace one and the same person? Is that the same person? A: Yes sir, the same one just put on different.
Q: Is your mother a citizen? A: Yes sir.
Q: Has she received her alotment of land? A: Yes sir.
Q: In the Creek Nation? A: Yes sir.
Q: Have you got any brothers? A: Yes sir, two.
Q: What are their names? A: Henry Hill and Alense Heddson.
Q: Are they sons of your mother? A: Yes sir, my half brothers.
Q: By the same mother? A: Yes sir.
Q: Was Henry Hill and Alense Huddeson received their allotments A: Yes sir.
Q: In the Creek Nation? A: Yes sir.
Q: Do you know whether or not application was made for your enrollment before your your appearance before this Commission last August? A: No sir, I don't know whether it was made for me before or not.
Q: Did anybody ever tell you that they made application for you A: My mother I believe told me she named me when she put in the other children.
Q: That is when she made application herself? A: Yes sir.
Q: You are living in the Creek Nation now? A: Yes sir.
Q: Are you farming or living in the city? A: Farming.
Q: On public domain or on a rented place? A: On a rented place.

Questions by Commisioner:

- Q: When your mother took you away from here where did she take you? A: Springfield, Mo.
Q: Did she leave you there and return to the territory immediately or live with you there?
A: She lived with me, she stayed ther.
Q: How long about? A: I guess off and on ever since she lived there, she came down a little ever 10 years ago somewhere along there.

- Q: You stated that Fayetteville has been the nearest place you have been to the Creek Nation until you came back a year ago last June? A: That is to my knowing?
- Q: Can you tell positively that you mother ever told you that she had your name placed on the roll?
- A: I couldn't say she had it placed on the roll but she had my name in with the others when she put them on.
- Q: Do you state positively that she told you that? A: Yes sir I state positively that she told me that all right.
- Q: Your name is what? A: William Perryman.
- Q: You are sometimes called Willie Perryman? A: Yes sir.
- Q: Have you been known by any other name? A: Yes, by all of my step-father's names. I have three of them you know.
- Q: Three step-fathers? A: Yes sir.
- Q: What are their names? A: Thomas Wallace is one, Tom Gray is another and William Heddeson is another.
- Q: Are they citizens of the Creek Nation? A: No sir.
- Q: They were all colored fellows? A: Yes sir.
- Q: That is all the names you ever went by? A: Yes sir, I answer by any of the three names.
- Questions by W. Dave Sullivan, attorney for applicant:
- Q: Did you ever have a step father by the name of Hill?
- A: No sir, that wasn't my step-father.

Necy Lovett, being first duly sworn testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Necy Lovett or Nancy Wallace.
- Q: How old are you? A: I couldn't say.
- Q: Do you think you are about 60 or 65? A: I guess so.
- Q: You think you are that old? A: I have been saying I was about 50.
- Q: You remember the war do you? A: Yes sir.
- Q: You were born before the war? A: I was a mother before the war.
- Q: What is your post-office address? A: Boynton.
- Q: Do you get your mail at Boynton? A: Yes sir.
- Q: Are you the Necy Lovett who appeared here on August 15, 1905 and testified in the matter of the alleged application for the enrollment of one, Willie Perryman? A: Yes sir.
- Q: Is Willie Perryman your son? A: Yes sir.
- That is the child I took out of the nation.
- Q: When did you ~~take~~ take him out of the Nation? A: During the war.
- Q: Was it in the beginning of the fight? A: I couldn't tell exactly when it was, it was during the war.
- Q: It was before Peace was declared? A: Yes sir.
- Q: Where did you go? A: I was carried to Missouri, Springfield Missouri. I was captured and taken away from my masters.
- Q: This Willie Perryman was a baby? A: Yes sir he was a young baby two months old or so.
- Q: How long did you stay there in Missouri when you went there?
- A: I stayed there until I came back 11 years this last March past.
- Q: Was he with you? A: Yes sir.
- Q: He was there at least until 11 years ago? A: Yes sir.
- Q: Did you ever see him in the territory prior to June a year ago? A: Yes sir, he was right at my house.
- Q: Did he ever come back before a year ago last June?
- A: No sir, I made a mistake.

When I said it was him it was the other one, it was Alense Huddesen.

- Q: Alonse Huddesen came back? A: Yes sir.
- Q: But Willie Perryman didn't come back until a year ago last June? A: Yes sir, I made a mistake.
- Q: Are you ~~xx~~ it a citizen of the Creek Nation? A: Yes sir.
- Q: Have you received your allotment? A: Yes sir I have my certificate with me.
- Q: Does your name appear on the Dunn Roll? A: Yes sir. Neey Lovett.
- Q: You are sure of that? A: Yes sir.
- Q: Did you ever make an application to have Willie Perryman enrolled? A: Yes I came out at Okmulgee the first year I came here before the proper commissioner, I made it for myself and all the children.
- Q: Do you remember of testifying before the Commission in Muskogee on June 25, 1901 in the matter of the application for your enrollment and your child Henry Hill as a citizen? A: No sir.
- Q: Or down stairs, do you remember? A: No sir, I don't remember it because when I made the application before the Commissioner it was up stairs. I don't remember the fact of being down stairs.
- Q: Do you remember of being before the Commissioner and testifying about yourself and your child? A: I don't think it was up here though.
- Q: Was it before the Commission? A: Yes sir, it was up stairs but I think it was in this very room over here.
- Q: At that time you said you desired to make application for yourself and your child Henry Hill and in the testimony given at that time you made no mention of the fact that you had a child by the name of William Perryman, how do you account for the fact that you had a child by the name of William Perryman, how do you account for the fact you made no mention of him? A: I don't see why I didn't. Now if you will allow me to speak, I will tell it. I wanted to make application for him and they asked me where was he. I said he was in the state of Missouri and they asked was he of age and I said yes, and they said he will have to come and make application himself. I will state that because I know just what they told me.
- Q: Who was the father of Willie Perryman. A: Mr. Perryman, he is dead.
- Q: What was his first name? A: William Perryman.
- Q: The old man's name was William? A: Yes sir.
- Q: Do you know whether any money was ever drawn for Willie Perryman? A: Not that I know of.
- Q: You never received any for him? A: No sir, only for myself there.
- Q: Your name does not appear on either the '90 or '95 tribal rolls, does it? A: I don't understand it.
- Q: Your name don't appear on anything but the Dunn Roll does it? A: On the Dunn roll and the pay roll.
- Q: What pay roll? A: The Arkansas, I guess.
- Q: Did he ever get any money from the Creek Nation? A: No sir, but my Aunt did I heard.
- Q: You never heard that Willie Perryman drew any money? A: No sir, I never.

Questions by W. Dave Sullivan, attorney for applicant:

- Q: You are an enrolled citizen of the Creek Nation? A: Yes sir.
- Q: Is Henry Hill, one of your other sons a citizen? A: Yes sir

- Q: Has he ever received an allotment of land? A: Yes sir.
Q: ~~Has he ever received an allotment of land?~~
Q: Is your son Aloise Hudson, an enrolled citizen? A: Yes sir.
Q: Has he received his allotment of land? A: Yes sir.
Q: You say Willie Perryman is your son? A: Yes sir.
Q: By one William Perryman? A: Yes sir, he was born in slavery.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval

WITN

Subscribed and sworn to before me
this 27 day of July, 1906.

Alvin C. Gray
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Willie Perryman as a Creek freedman.

DECISION.

The record in this case shows that on August 15, 1905, Necey Lovett made application for the enrollment of her son, Willie Perryman, as a Creek freedman. Further proceedings in the matter of said application were had on July 16, 1906.

The evidence in this case shows that the applicant claims to be the son of Necey Lovett, who is identified upon the roll made by J. W. Dunn prior to March 14, 1867. It appears, furthermore, that the said applicant, Willie Perryman, was living at the date of the preparation of said roll.

It appears further that said applicant was taken from the Creek Nation during the course of the Civil War and did not return to the Creek Nation, or the Indian Territory, until the year 1905. It further appears that the name of said applicant does not appear upon any of the tribal rolls of the Creek Nation, and it does not appear that he was ever admitted to citizenship by the Creek tribal authorities, by the Colbert Commission, by the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory, under the Act of June 10, 1896.

Section 21 of the Act approved June 28, 1898 (30 Stats., 495) provided in part:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship; Provided, however, That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States."

Section 3 of the Act of Congress approved April 26, 1906 (34 Stats., 137) provided in part:

"That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty-seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Willie Perryman as a Creek freedman, and the application for his enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

JAN 25 1907

Cr.No. 964.

Muskogee, Indian Territory, January 28, 1907.

Facey Lovett,

Reynolds, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your child, Willie Perryman, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register BX-768.

REFER IN REPLY TO THE FOLLOWING:

Cr. En. 964.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 28, 1907.

Nicoy Lovett,
Boynton, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your child, Willie Perryman, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register M-768.

Cr. No. 964.

Muskogee, Indian Territory, January 28, 1907.

W. J. Sullivan,

Attorney At Law,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Willie Perryman, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
LM-769.

Cr. No. 964.

Muskegee, Indian Territory, January 28, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskegee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Willie Perryman, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-770.

Cr.M. 964.

Muskogee, Indian Territory, January 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted a copy of the proceedings had in the matter of the application for the enrollment of Willie Perryman, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-771.

Through the Commissioner
of Indian Affairs.

Refer in reply to the following:
Land 10041-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

COPY

February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 28, 1907, transmitting the record relative to the application of Willie Perryman for enrollment as a Creek freedman.

On August 15, 1905, application was made to the Commissioner for the enrollment of Willie Perryman as a Creek freedman citizen. On January 25, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant is not enrolled as a Creek freedman nor was he admitted as a Creek freedman by the tribal authorities, the Commission or the United States Court. It is further shown that the applicant was not a resident in good faith of the Creek Nation on June 28, 1898.

By reason of the provisions of Section 21 of the Act of June 28, 1898 (30 Stat. L. 495) and Section 3 of the Act of April 26, 1906 (34 Stat. L. 137), the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD-Y

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LRS

JF
PHE

March 1, 1907.

I.T.D. 4850, 4890, 4904, 4960, 4962-OK.
4964, 5082, 5166, 5202, 5328- "
5342, 5374, 5376, 5378, 5380- "
~~5396~~, 5398, 5400, 5402, 5404- "
5410, ~~5416~~, 5418, 5424, 5428- "
5466, 5488, 5498, 5548, - "

D.C. 12430, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases
adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Rhoda Walker,	December 19, 1906
Josiah McIntosh,	January 18, 1907
Tony Harlings,	January 18, 1907
George Allen (Freedman)	January 28, 1907
Henry Edwards, (Freedman)	January 28, 1907
Lewis Davis, deceased,	January 28, 1907
Robert Scott, deceased,	October 19, 1906
Tom and Mattie Jeffries, deceased,	February 8, 1907
Emma Dodge, (Freedman)	February 8, 1907
Georgia Davis, deceased, (Freedman)	February 7, 1907
Thelma Maud Gibson,	February 7, 1907
Magie Nola Poe, (Freedman)	January 28, 1907
Nelson McIntosh	January 28, 1907
Calley Caesar, deceased,	January 28, 1907
Sarah Buck, deceased,	January 25, 1907
Willie Perryman, (Freedman)	January 28, 1907
<u>Joshua Gentry et al.,</u>	January 28, 1907
Dennis Taylor, (Freedman)	January 22, 1907
Paul and Pauline Bruner,	January 25, 1907
Gennie Sanders, (Freedman)	January 28, 1907
Eddie Levi, (Freedman)	January 28, 1907
Gabriel Hawkins, (Freedman)	January 28, 1907

Title of case.	Date of your letter of transmittal.
Lottie Dickson, (Freedman)	January 22, 1907
Charles Tiger, deceased,	January 29, 1907
Herford Barnett, deceased,	January 28, 1907
Cebern Holt, (Freedman)	February 7, 1907
Marguerite Scott, deceased, (Freedman)	January 31, 1907

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

27 inc. and 61 for Ind. Of.

AFMc
3-1-07

JWK

Cr.En.964

Muskogee, Indian Territory, March 4, 1907.

Miss Lovett,

Boynton, Indian Territory.

Dear Madam :--

You are hereby advised that under date of March 1, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your child, Willie Perryman, as a Creek freedman.

Respectfully,

Commissioner.

JWH

Or.En. 964

Muskogee, Indian Territory, March 8, 1907.

W. J. Sullivan.

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir :--

You are hereby advised that under date of March 1, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Willie Perryman, as a Creek freedman.

Respectfully,

Commissioner.

CR

EN 965

CR EN 965-

BA 206.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MARCH 13, 1905.

-ooOoo-

In the matter of the application for the enrollment of Abe Crosslin as a Creek Freedman.

TENA CROSSLIN, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Tena Crosslin.
Q How old are you? A 24.
Q What is your postoffice address? A Red Bird.
Q Were you ever called Tena Lunnon? A Yes, sir.

Witness is identified as Tena Lunnon on Creek Freedmen Card, Field Number 1111, and her name is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior March 28, 1902, Roll Number 4108.

- Q Have you a child named Abe Crosslin? A Yes, sir.
Q When was Abe Crosslin born? A He was born December, 1901.
Q Born in December, 1901? A Yes, sir.
Q Are you sure of that date? A Yes, sir.
Q You came in here before--or sent an affidavit in in which you said that he was born in January, 1901, now, which is correct?
A January is correct.
Q Then he was born in January, 1901? A Yes, sir.
Q Why did you say December? A I forgot.
Q Why did you wait so long before making application for the enrollment of Abe. A I was in here two or three times.
Q Did you ever give testimony about him before? A No, sir, only when we made the affidavit.
Q Did you come in and inquire about him after that? A No, my husband came in.
Q Did he give testimony? A I do not know.
Q Did you put down in a Bible or anywhere the date of the birth of Abe Crosslin? A Yes, sir, a book.
Q What kind of a book? A Just a little book.
Q Is Abe living? A Yes, he is here.
Q He is here now is he? A Yes, sir.

Child is present and appears to be about the age indicated.

Zera Ellen Parrish, being sworn on her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zera Ellen Parrish

Subscribed and sworn to before me this 15 day of March, 1905.

Edw. C. Sines
Notary Public.

DIRECTORS:

J. R. KENNON.

E. A. HALE.

C. L. HALE.

F. A. KENNON.

PORTER, IND. TER.

8/23rd

1904

Sworn Statement
Cinda Parker a Creek
Citizen this day appeared before
me Anna Farrow a Notary
Public duly Commissioned
and acting as such Within
and for the Western District of
of the Ind Ter and upon oath
stated to me that she was well
acquainted with Henry Crosslin
and Rena Crosslin his wife
that she was at their house on
January 15th 1901 One Thousand Nine
Hundred and one and that on
that day and date a son was born
to them on that date that said
male child is still living and
is known by the name of Abe
Crosslin Subscribed and sworn
to this the above day and date Written
Witness Cinda Parker Seal
J. R. Kennon mark.

Porter

I Certify that Cinda Parker
after having the above statement
read over to her by me signed
same and stated to me that
she understood same and
all of the above was true.

Anna Farrow. Notary Public

My Commission expires May 12 - 1908.

8/23rd

1904

Henry Crosslin The Father
who is a Cherokee Citizen
and ~~the~~ Tena Crosslin nee Hummon
the Mother and who is a Creek
Citizen both of the Town of
Red Bird being sworn say that
they are the father and mother
respectively of Abe Crosslin
that the Child Abe Crosslin
was Born on Jan'y 15th 1904 that
Cinda Parker was present at
his Birth Witnesseth our hands
and seal this August 23rd 1904

Witness

J. R. Kennon
Porter Ind

Henry Crosslin
Tena Crosslin
more



I hereby Certify that Henry
and Tena Crosslin both personally
appeared before me and being
by me duly sworn stated that
they signed the above statement
for the purpose shown therein
this August 23rd 1904
My Commission
Expires May 12 - 1908
Anna Farrow, Notary Public

²⁰⁶⁻
Abe Crosslin

2137
651

Birth affidavit

2408

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

August 25, 1904

CHAPMAN

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *JK*

BOB
Muskogee, Indian Territory, September 7, 1905.

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

Replying to your letter of August 17, 1905, stating that application has been made for the enrollment of Abe Crosslin, born January 15, 1901, child of Tena Crosslin, a Creek freedman, and Henry Crosslin, a citizen of the Cherokee Nation, and asking to be advised whether or not any application has ever been made for the enrollment of said Abe Crosslin as a citizen of the Cherokee Nation, you are advised that it does not appear from an examination of the records of this office that any application has ever been made for the enrollment of said child as a citizen of the Cherokee Nation.

Respectfully,

W. O. Beall

Acting Commissioner.

GHL

Or En 965

Muskogee, Indian Territory. August 17, 1905.

Clerk in Charge,

Cherokee Enrollment Division.

Dear Sir:

August 25, 1904, application was made to the Commission to the Five Civilized Tribes for the enrollment of Abe Crosslin, born January 15, 1901, child of Tena Crosslin (nee Lannon), a Creek Freedman, and Henry Crosslin, a citizen of the Cherokee Nation.

You are requested to advise the Creek Enrollment Division whether or not application has been made for the enrollment of said Abe Crosslin as a citizen of the Cherokee Nation, and if so, what disposition has been made of same.

An early reply is requested.

Respectfully,

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Abe Crosslin as a Creek Freedman.

DECISION.

The record in this case shows that on August 25, 1904, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavit of Henry Crosslin relative to the birth of his minor child, Abe Crosslin, which said affidavit is considered as an application for the enrollment of said Abe Crosslin as a Creek Freedman. Further proceedings were had March 13, 1905.

The evidence shows that said Abe Crosslin was born January 15, 1901, and that he was living at the date of the last proceedings herein.

The evidence further shows that said Abe Crosslin is the minor child of Tena Crosslin, and that said Tena Crosslin is identified as Tena Lannon on the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, Roll No. 4108.

It is, therefore, ordered and adjudged that said Abe Crosslin is entitled to be enrolled as a Creek Freedman, in accordance with the provisions of the act of Congress June 30, 1902 (32 Stats., 500), and the application for his enrollment as such is accordingly granted.

Muskogee, Indian Territory,

NOV 11 1905



Commissioner.

Muskogee, Indian Territory, November 13, 1905.

M. J. Kott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Abe Crosslin as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and, if, at the expiration of that time, no protest has been filed, said Abe Crosslin will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Commissioner.

Cr En 965

Muskogee, Indian Territory, January 10, 1906.

Tona Crosslin,

Care of Henry Crosslin,

Redbird, Indian Territory.

Dear Madam:

You are hereby advised that the name of your minor child, Abe Crosslin, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior January 4, 1906, and that application for a selection of land in the Creek Nation may now be made for said child at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 966

CR EN 966

DEPARTMENT OF THE INTERIOR,
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
 Muskogee, Indian Territory, August 22, 1905.

In the matter of the application for the enrollment of
 Rogers Harred, deceased, as a Creek freedman.

Richard Harred, being duly sworn, testified as follows:

- Q What is your name? A Richard Harred.
 Q What is your age? A About 55
 Q What is your post office address? A Wewoka.
 Q Are you a citizen of the Creek Nation? A Yes, sir
 Q What is the name of your father? A Sicar Harred
 Q Is he living? A Dead
 Q What was the name of your mother? A Mary Herrod
 Q Did you have a wife named Lizzie? A Yes, sir
 Q Is she living? A Yes, sir
 Q Is she still your wife? A Yes, sir
 Q Did you ever have a wife named Cornelia Williams? A No, sir
 Q Did you ever have a child by her? A Yes, sir
 Q What was the name of the child? A Rogers Harrod
 Q Illegitimate child is it? A Yes, sir
 Q Is the mother of that child a citizen? A Yes, sir
 Q Enrolled as a freedman? A Yes, sir
 Q Do you know the name of her father? A Andrew Williams
 Q The name of her mother? Was Rose Williams now Rose Hunley

The witness is identified on Creek freedman card 49
 and his name is contained in a partial list of Creek
 freedmen approved by the Secretary of the Interior
 March 13, 1902 opposite roll No. 182
 Cornelia Williams is identified on Creek freedman card
 No. 1431, opposite roll No. 4778

- Q Do you remember when your child Rogers Harred was born? A
 I don't remember exactly, it was some time before I saw it
 The child lived to be a year and a little over before it died.
 Q Did it live fully as much as a year? A Yes, sir
 Q But you cant remember now the year of its birth? A No, sir
 Q You made out an affidavit before J.C. Johnson and swore that
 the child was born on a certain date and that it was dead at
 that time August 1904? do you remember how long it had been
 dead at that time? A No, sir
 Q All you remember is that it lived more than a year? A I am not
 sure of that but the child was crawling and trying to walk
 when it died.

Said affidavit with the affidavit of Cornelia Williams,
 the mother, and Izora James, the midwife, giving the same
 date of birth are on file and are made a part of the
 record in this case.

- Q Did you get a coffin for that child? A Yes, sir
 Q From whom did you buy it? A Sent down to Wetumka and got it.
 Q Do you know the name of the man from whom you got it? A No sir
 just sent a team down there to get a coffin.
 Q Whom did you send? A ~~Richard Williams~~ brother of the child's
 mother.
 Q Is he living? A Yes, sir
 Q Where? A Up by Wewoka
 Q Do you know whether any entry was made on the books about that

coffin? A Yes, there was charges made but I paid them the next day after the burial.

Q Is there any board or anything of the kind over the grave that shows the date of death? A Yes, sir I think so.

Q Have you seen it lately? A No, sir.

Q Who was present when the child died do you know? A My mother.

Q What is her name? A Mary Carolina used to be Mary Harred.

Q Is she living? A Yes, sir.

Q Up there by you? A Yes, sir.

Witness is advised that this office requires the affidavit of the mother of said child giving the date of its death. Any record or any other evidence which would fix the date of its death should be sent in at once.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me
this 22nd day of August 1905.

Anna Garrigues

Edw. C. Guise

Notary Public.

#966
✓

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Bearden, I. T., November 1, 1905.

In the matter of the application for the enrollment of Rodgers Herrod, deceased, as a Creek Freedman.

CORNELIA CULLEY, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Cornelia Culley.
- Q What was your former name? A Cornelia Williams.
- Q How old are you? A Soon will be twenty-nine years old.
- Q What is your post office address? A Bearden.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q To what town do you belong? A North Fork Colored Town.
- Q Did you have a child named Rodgers Herrod? A Yes, sir.
- Q Who was the father of that child? A Dick Herrod.
- Q Was he your lawful husband? A No, sir.
- Q Is Dick Herrod living? A Yes, sir.
- Q Where is he now? A Home I suppose.
- Q Where is his home? A About ten miles from Wewoka.
- Q Is he a citizen of the Creek Nation? A Yes, sir.
- Q To what town does he belong? A North Fork Colored.
- Q Do you know when Rodgers was born? A If I ain't mistaken he was born on the 11th day of December.
- Q In what year? A 1900.
- Q Did you ever execute an affidavit about the child's birth? A Yes, sir.
- Q There is on file in the office of the Commissioner an affidavit, executed by you and Isoria James, August 29, 1904, stating that Rodgers Herrod was born December 17, 1900? A Was it? Well, I disremember-----he was jest a week old the first day of Christmas, in 1900. I couldn't read very little.
- Q The child is dead is it? A Yes, sir.
- Q When did he die? A He lived about a year and six months-----I wont say that old but it was something like ~~than~~ a year and six months.
- Q Do you know in what month and in what year he died? A I don't know exactly, but he died the next year after 1900. He lived something over a year.
- Q How old was the child when he died? A I say he lived a year and something over.
- Q How is it that you know exactly when the child was born and do not know when he died? A Well, I disremember when he died, but I know when he was born--he was born in 1900. He was just a week old at Christmas.
- Q Why can't you remember when he died? A You can't remember everything.
- Q Was the child living the next Christmas after he was born? A Yes, sir, he lived a year and some months.
- Q Do you know in what month he died? A It was in the Spring--Summer like.
- Q Were people making preparations to plant their crops when the child died? A No, sir, it was over planting time.
- Q Do you think the child died in 1901? A He bound to live in 1902--he lived a year and over.
- Q Who attended on you at the birth of the child? A Isoria James.
- Q Where is she now? A Home I suppose.
- Q Was the child living on May 25, 1901? A I tell you I couldn't tell you. I can't tell when that child died.
- Q Can't you tell whether or not the child was living on May 25, 1901? A No, I can't tell you but Isoria James could tell you.
- Q

B.A. 203.-----2.

Q Was the child able to walk when it died? A Yes, it was as big as this one (indicating a small child) and this one is a year and four months old.

Q What is Isoria James' post office address? A she lives eight or nine miles from Wetumka.

Q You are positive are you that your child, Rodgers, was over a year old when he died? A yes, sir, he was something over a year old when he died.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 20 day of Dec 1905.

Edw. L. S. S. S.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Rogers Harrod, deceased, as a Creek Freedman.

.....DECISION.....

The record in this case shows that on August 31, 1904, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavit of Richard Harrod relative to the birth of his minor child, Rogers Harrod, deceased, which said affidavit is considered as an application for the enrollment of said Rogers Harrod, deceased, as a Creek Freedman. Further proceedings were had August 22, 1905.

The evidence shows that said Rogers Harrod, deceased, was the minor child of Richard Harrod and of Cornelia Williams, and that the names of said Richard Harrod and said Cornelia Williams are contained in the partial lists of Creek Freedmen approved by the Secretary of the Interior March 13, 1902 and March 28, 1902, respectively, opposite Roll Nos. 182 and 4776, respectively.

The evidence further shows that said Rogers Harrod, deceased, was born December 17, 1900, and that he died May 1, 1902.

It is, therefore, ordered and adjudged that said Rogers Harrod, deceased, is entitled to be enrolled as a Creek Freedman, in accordance with the provisions of the act of Congress approved June 30, 1902 (32 Stats., 500), and the application for his enrollment as such is accordingly granted.

Muskogee, Indian Territory,

JAN 12 1906



Commissioner.

En. 966.

32.

IN RE
THE DEATH OF

a citizen of the

Nation.

Approved

1

Commissioner.

SEP 2 - 1905

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Rogers. Hurrod.
(Here insert name of deceased.)
 a citizen of the Creek. Nation, who formerly resided at or near
Bearden, Ind. Ter., and died on the 1st day of May
(Here insert name of post office.)

1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY.

Mustang District.)

I, Her Cornelia Williams on oath state that I am 28
 years of age and a citizen, by Adoption, of the Creek Nation;
 that my post office address is Bearden, Ind. Ter.; that I am
mother of Rogers. Hurrod.
(Here insert name of post office.) (Here insert name of deceased.)
 (State relationship, as: the father; an uncle; a cousin, etc.)
 who was a citizen, by Adoption, of the Creek Nation;
 and that said Rogers. Hurrod. died on the 1st day of
May, 1902.
(Here insert name of deceased.)

WITNESSES TO MARK:

Cornelia Williams(Must be Two
Witnesses)

Subscribed and sworn to before me this

31st day ofAugust.

1902.

J. Johnson
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY.

Mustang District.)

I, Izora James, on oath state that I am 29
 years of age, and a citizen, by Adoption, of the Creek Nation;
 that my post office address is Manter, Ind. Ter.;
 that I was personally acquainted with Rogers. Hurrod.
(Here insert name of post office.) (Here insert name of deceased.)
 who was a citizen, by Adoption, of the Creek Nation;
 and that said Rogers. Hurrod. died on the 1st day of
May, 1902.
(Here insert name of deceased.)

WITNESSES TO MARK:

Izora James(Must be Two
Witnesses)

Subscribed and sworn to before me this

31st day ofAugust.

1902.

J. Johnson
Notary Public.

*IN RE*Application for Enrollment of
INFANT CHILD

as a citizen of

..... Nation.

Approved, 190....

.....
Commissioner.DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

August 31, 1904

CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Application for Enrollment, as a citizen of the Creek Nation,
of Rogers Harrod, born on the 17th day of December, 1900
(Here insert name of child)
Name of Father: Richard Harrod, a citizen of the Creek Nation.
Name of Mother: Cornelia Williams, a citizen of the Creek Nation.
Post-office, Uluwoka

Father
AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

Mustang District.

I, Richard Harrod, on oath state that I am 32
years of age and a citizen, by Blood, of the Creek Nation;
that I am the ~~lawful wife of~~ father of Rogers Harrod, who is a citizen, by
blood of the Creek Nation, that a male child was
(male or female)
born to me on the 17 day of December, 1900; that said child has been
named Rogers Harrod, and is now dead.

WITNESSES TO MARK

(Must be Two
Witnesses)

Johnson, James
James Williams

Subscribed and sworn to before me this

29th day of

Aug.

1904

J. Johnson
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN.

203-20

IN RE

Application for Enrollment of

INFANT CHILD

Rogers. Harrod.

as a citizen of

Oriskany.

Nation.

Approved

190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

August 31, 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,
of Rogers Harrod, born on the 17th day of December, 1900
(Here insert name of child)
Name of Father: Richard Harrod, a citizen of the Creek Nation.
Name of Mother: Cornelia Williams, a citizen of the Creek Nation.
Post-office Bearden, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

District.

I, Cornelia Williams, on oath state that I am about 29
years of age and a citizen, by adoption, of the Creek Nation;
~~that I am the lawful wife of~~ Richard Harrod, who is a citizen, by
Blood, of the Creek Nation; that a male child was
(Male or female)
born to me on 17th day of December, 1900; that said child has been named
Rogers Harrod, and is ~~now living~~ dead

WITNESSES TO MARK:

Cornelia Williams

Must be Two
Witnesses.

Subscribed and sworn to before me this

29

day of

August,

1904

J. E. Johnson

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

Western District.

I, Izora James, a midwife, on oath state that I at-
tended on Mrs. Cornelia Williams, wife of _____
on the 17 day of December, 1900, that there was born to her on said
date a male child; that said child is now dead and is said to have been named
Rogers Harrod.
(MALE OR FEMALE)

WITNESSES TO MARK:

Izora James

Must be Two
Witnesses.

Subscribed and sworn to before me this

29

day of

August,

1904

J. E. Johnson

NOTARY PUBLIC.

INDEXED

COMMISSIONER TO THE	
NO.	Received
49390	OCT 31 1905
1905	

You are requested to advise this Office whether your correct
 "Richard Harrod."

on the above-named bill of Green Freedman, obsolete No. 1905, as
 evidence of said child is given as Harrod; you have been requested
 before as a citizen of the Green Nation. You must give the
 of the application for the enrollment of your other child.

There are on file in this Office all records in the matter
 Dear Sir:

Wewoka, Indian Territory.

Richard Harrod.

Harrod, Richard,
 Wewoka, I.T.,
 Seminole Nation,
 Oct. 30, 1905.

States correct name of his
 minor child is Rogers Harrod
 and asks when he may
 file for him.

CORRECTION.

Depot Co. Indian Territory, J. J. J. J.

966

S. N.

REPORT IN REPLY TO THE FOLLOWING:
[REDACTED]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 7, 1905.

Richard Herrod,
Wewoka, Indian Territory.

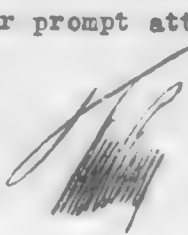
Dear Sir:

There are on file in this Office affidavits in the matter of the application for the enrollment of your minor child, Rogers, as a citizen of the Creek Nation. Your surname and the surname of said child is given as Herrod; you have been identified on the approved roll of Creek Freedmen, opposite No. 182, as Richard "Harrod."

You are requested to advise this Office whether your correct name is "Herrod" or "Harrod."

This matter should receive your prompt attention.

Respectfully,



Commissioner.

Replying to above letter will say my minor child's name is "Rogers Harrod"

*Yours very truly
Richard Harrod.*

Oct. 30, 1905,

Witness

Nat Williams

{ Kindly advise me when I can file for my child.

Or En 966

Muskogee, Indian Territory, January 13, 1906.

L. L. Mott,

Attorney for the Creek Nation.

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Rogers Harrod, deceased, as a Creek Freedman.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of said Rogers Harrod, deceased, and if, at the expiration of said time, no protest has been filed, said person will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Commissioner.

JYM-13-21

Cr.En. 966.

Muskogee, Indian Territory, June 26, 1906.

Cornelia Williams,
Care of Richard Harrod,
Wewoka, Indian Territory.

Dear Madam:

You are hereby advised that the name of your minor child, Rogers Harrod, deceased, is contained in the partial list of Freedmen of the Creek Nation, approved by the Secretary of the Interior June 16, 1906, and that a selection of land in the Creek Nation may now be made for him, by the administrator, at the Creek Land Office in Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,

Commissioner.

CR EN 967

CR EN 967

MA- 20 & 194.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, APRIL 5, 1905.

-ooOoo-

In the matter of the application for the enrollment of Lillie Cook, as a Creek Freedman.

KATIE COOK, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Katie Cook.
Q How old are you? A Nineteen.
Q What is your postoffice address? A Broken Arrow.
Q Are you the mother of Lillie Cook? A Yes, sir.
Q Who is the father of Lillie Cook? A John Cook.
Q John is not a citizen of the Creek Nation, is he? A No.
Q When was Lillie Cook born? A 1899.
Q Do you know the month? A Yes, 2nd day of October, 1899.
Q Is she living? A No.
Q How old was she when she died? A About a year old.
Q How many months old was that child when she died? A I do not know.
Q Then why did you want to say that she was about a year old for?
A No answer.
Q How many months old was that child when it died---was it one, two three or four months old? A It was about three months old.
Q Are you sure that child was three months old when it died? A Yes.
Q Was it any older than three months? A No, I think not.
Q It was just about three months old? A Yes.
Q Do you know the month that child died in? A No.
Q Do you know what year it died in? A It died in the same year that it was born.
Q Do you know what month the child died in? A No.
Q Who was the mid-wife in attendance at Lillie's birth? A Nancy Roberts.
Q Was she present when it died? A Yes.

NANCY ROBERTS, being duly sworn, testified as follows:

BY COMMISSION:

- Q What is your name? A Nancy Roberts.
Q How old are you? A Fifty about, I guess.
Q What is your postoffice address? A Broken Arrow.
Q Were you the mid-wife in the case of Lillie Cook? A Yes.
Q Do you remember when that child was born? A I remember when it was born, but I can't remember any dates.
Q Do you know how old that child was when it died? A I think it was about three months old.

CHARLEY ROBERTS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Charley Roberts.

PA- 20 & 194... #2.

- Q Do you know how old you are? A Yes, Fifty.
Q What is your postoffice address? A Broken Arrow.
Q Do you know Lillie Cook? A Yes.
Q Do you know when she was born? A I do not know what date.
Q Do you know the year in which she was born? A No.
Q Do you know how many years ago that she was born? A No.
Q It died did it? A Yes, sure died.
Q Do you know how old that child was when it died? A No.
Q Was it as much as three months old? A Yes, about three months.
Q Was it older than three months? A I could not swear to that.
Q You do not know whether it was older than three months? A It was about three months old. I have got two other grandchildren and I went to Okmulgee to get the menrolled and I missed that Lillie when I went there to Okmulgee and left her out, and she died before I came here to this town. I left her living and at home when I left there.

POLLY COOK, being duly sworn, testified as follows:

BY COMMISSION:

- Q What is your name? A Polly Cook.
Q How old are you? A Twenty-six.
Q What is your postoffice address? A Broken Arrow.
Q Do you know Lillie Cook, child of Katie Cook? A Yes.
Q Do you know when that child was born? A No, but I know that she was three months old when she died.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zera Ellen Parrish

Subscribed and sworn
to before me this 7
day of April, 1905.

Edw. D. Dineen
Notary Public.

Cr.En.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, August 23, 1905.

In the matter of the application for the enrollment of
Joe Cook and Lilly Cook as Creek freedmen.

John Cook, being duly sworn, testified as follows:

- Q What is your name? A John Cook.
Q What is your age? A 25
Q What is your post office address? A Broken Arrow
Q Are you a citizen of any tribe in Indian Territory? A No, sir
Q Did you have two children named Joe and Lilly Cook? A Yes, sir
Q What is the name of their mother? A Katie Cook.
Q Is she enrolled as a Creek freedman? A Yes, sir
Q Under what name? A Katie Roberts
Q What the name of her father? A Charlie Roberts
Q What is the name of her mother? A Nancy Roberts.

Katie Cook is identified on Creek freedman card 1068
opposite 4001 as Katie Roberts.

- Q Is she living? A Yes, sir
Q When was Joe Cook born? A 1901
Q Is he living? A Yes, sir
Q Are you sure of the year? A Yes, sir
Q What month was he born in? A A November, he was born in the fall
Q Did you write down anywhere when the child was born? A The
postmaster did
Q What is he doing with it? A There is where I got my affidavits
Q Katie Cook sent in an affidavit and said that Joe was born --
the first affidavit was sent in April 14, 1902 and she and Nancy
Roberts the midwife state it was born December 17, 1901
on the 12th of July 1902 they sent in an affidavit saying it was
born March 17, 1901, the later one trying to correct the first
one, then they both came in here April 5, 1905 and gave testimony
and swore that the child was born March 17, 1901, dont you
think they are correct in giving March? A Yes, sir I guess so

The rights of this child cannot be settled until we find
out which one of those dates is correct. If it was born in
the fall of 1901 it would come in under the new law, if it was
born in March it would come in under the old law.
You are advised we must have this straightened out.

- Q When was your child Lilly Cook born, do you know? In what year
and month? A I dont know, in October but what day I cant say
Q You think it was in October 1900? A Yes, sir
Q We have affidavits showing the child was born October 2, 1900,
and that it was born October 2, 1899 and we also have the testi-
mony of Katie Cook on April 5 which shows that Lilly was born
October 2, 1899, now which of these years do you think is correct?
A Lilly Cook was born in October 1899
Q You think 1899? A Yes, sir
Q Do you know when the land office opened in the Creek Nation?
A Yes, I remember hearing of it
Q Do you remember the circumstances? A Yes, sir, not for certain
Q Weren't you down here at that time? A I was down here
Q Didn't Katie Roberts file that year? A Her father filed for her
Q You weren't married then? A No, sir
Q How long after that before you were married? A No, answer
Q Do you know when you were married? A I have it at home.

Q How long before you were married was it that this child Lilly was born? A A little more than a year

Q You married her after Lilly was born? A Yes, sir

Q Did you marry her before Joe was born or after? A Before

Q How long before? A A year before he was born.

Q How long after Lilly was born before you married her? A It wasn't very long but I disremember

Q It must have been longer after Lilly than Joe wasn't it?

A It was in May we were married, the 10th

Q How long did Lilly live? A I was thinking she lived six months

Q Are you sure she lived that long? A I think she did.

Q And you think she was born in October 1899? A I think it was 1900

Q The only thing you are sure of is that Lilly Cook is dead and she lived about six months? A Yes, sir

Q You are sure she didn't live more than six months? A Yes, sir

Q There is a pencil note on the back of the affidavit which says Lilly was born October 2, 1899 and died May 11, 1900. Were you present when this child was born? A Yes, sir

Q Were you present when Joe was born? A Yes, sir

Q Anybody else present? A Yes, sir

Q Who else? A Its grandmother Nancy Roberts and its aunt Polly Cook and Harebell Van Hoy Katties sister

Q Who was present when Lilly was born? A Nancy Roberts, Polly Cook and Birdie Nero

Q Were you present when Lilly died? A Yes, sir

Q Anybody else? A Charlie and Nancy Roberts, Henry Cook and John Van Hoy

Q Where do these Van Hoy's live? A Two miles west of me

Q What post office? A Broken Arrow

Q All these people have the same post office? A Yes, sir

Q Where did you get the coffin? A Broken Arrow

Q Of whom did you buy it? A I disremember the name but I can find out.

Q Did he make any entry on his books about it or did you pay him cash? A I paid him

Q Do you know if he made any entry about it? A I dont know

Q Did you have any funeral service for Lilly? A No, sir

Q Did you have any preacher at all? No, sir

Q How big a baby was she? A Big size baby

Q About six months old? A Yes, sir

Q Did you have a board with an inscription over the grave? A Yes, sir

Q Is it there now? A Yes, sir

Q Does that say when it died? A Yes, sir

Q Does it show when it was born? A I dont know

Q Where is that graveyard? A At Spring Town about nine miles northeast of Broken Arrow

Q What is the name of the graveyard? A Spring Town graveyard

Q I will ask you again when was Joe Cook born? A He was born in 1902

Q Are you sure of it? A In November

Q Are you sure of it? A Yes, sir

Q How old will he be this next November 1905? A Six years old

Q I will ask you once more when to the best of your knowledge was Lilly Cook born, month and year? A I will say 1899

Q You mean 1899? A Yes, sir

Q Do you know the month? A October

Q And you think she lived about six months? A Yes, sir

Q And no longer? A No, sir

I, Anna Garrigue, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigue

Subscribed and sworn to before
me this 25th day of August 1908

Edw. G. Griesed
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lilly Cook, deceased, as a Creek freedman.

DECISION.

The record in this case shows that on April 23, 1902, the affidavit of Katie Cook relative to the birth of her minor child, Lilly Cook, deceased, was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, which said affidavit is considered as an application for the enrollment of said Lilly Cook, deceased, as a Creek freedman. Further proceedings were had April 5 and August 23, 1905.

The application for the enrollment of Joe Cook, referred to in the testimony herein, will be considered in a separate decision.

The evidence shows that said Lilly Cook, deceased, was born in the month of October, 1899, and that she died prior to July 1, 1900.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Lilly Cook, deceased, as a Creek freedman and the application for her enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

OCT 12 1905

United States Postoffice

BROKEN ARROW, I. T.

W. T. BROOKS, Postmaster

.....190..

Party not here.
Was last heard
of in Kansas
City, Mo.

Recpt.

Q.

S. D.

REFER IN REPLY TO THE FOLLOWING:

Or En 967

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 13, 1905.

Katie Cook,

Broken Arrow, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Lilly Cook, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this Office is informed of the same.

Respectfully,


Commissioner.

Register.
JYM-13-16

Or An 967

Muskogee, Indian Territory, October 13, 1905.

M. L. Mott,

Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Billy Cook, deceased, as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this Office is informed of the same.

Respectfully,

Commissioner.

JY-13-10

Cr. No. 967

Muskogee, Indian Territory, October 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Lilly Cook, deceased, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes dated October 12, 1905.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

JYM-13-17

967 ✓

DEPARTMENT OF THE INTERIOR,

FHE GR

I.T.D.14850-1905
LRS

WASHINGTON. November 15, 1905

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 13, 1905, you transmitted the record in the matter of the application for the enrollment of Lilly Cook, deceased, as a Creek freedman, including your decision of October 12, 1905, rejecting said application.

Reporting November 9, 1905, the Indian Office recommends "In view of the record and of the Act of June 30, 1902 (32 Stats., 500)," that your decision be approved. A copy of its letter is inclosed.

In view of the record and of the Act of March 1, 1901 (31 Stat., 861-870), instead of the act of June 30, 1902 (32 Stat 500), your decision is hereby affirmed.

Respectfully,

Thos Ryan

First Assistant Secretary

Inclosure

Refer in reply to the following
Land 83788-1905

~~DEPARTMENT OF THE INTERIOR~~

OFFICE OF INDIAN AFFAIRS

Washington Nov. 9, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated October 13, 1905, transmitting the record of the application for enrollment as a Creek freedman of Lilly Cook, deceased.

October 12, 1905, the Commissioner decided adversely to the application.

The record shows that Lilly Cook was born in October, 1899 and died prior to July 1, 1900.

In view of the record and of the Act of June 30, 1902 (32 Stats. 500) the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

C.F. Larrabee

Acting Commissioner

MM NL

REPLY IN REPLY TO THE FOLLOWING:

En. 967

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 22, 1905.

Katie Cook,

Broken Arrow, Indian Territory.

Dear Sir:

You are hereby advised that under date of November 15, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying the application made by you for the enrollment of your minor child, Lilly Cook, deceased, as a Creek freedman.

Respectfully,

W. O. Beall

Acting Commissioner.

✓
En.967

Muskogee, Indian Territory, November 22, 1905.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that under date of November 15, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying the application of Katie Cook for the enrollment of her minor child, Lilly Cook, deceased, as a Creek freedman.

Respectfully,

Acting Commissioner.

CR EN 968

empty

see NB F. 552

CR EN 968

CR EU 969

CR EU 969

#969

D.A.29

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, August 23, 1905

In the matter of the application for the enrollment
of Leo Dean, deceased, as a Creek freedman.

Annie Dean, being duly sworn, testified as follows:

- Q What is your name? A Annie Dean
Q What is your age? A 29
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A No, sir
Q Of any of the Five Tribes, ? A No, sir
Q States woman? A Yes, sir
Q Did you have a child named Leo Dean? A Yes, sir
Q What is the name of its father? A John Dean
Q Is he living? A Yes, sir
Q Were you married to him? A Yes, sir
Q Is he a citizen of the Creek Nation? A Yes, sir
Q Is the child Leo living? A No, sir
Q When did he die? A 22nd April 1900
Q Are you sure it was 1900 A Yes, I am I tell you what I know
Q You remember when you made an affidavit about this child?
A Yes, Lowry made it out I told him it died 22 April 1900
Q Do you remember that right well? A Yes, sir, I know I told him
that
Q You remember you told Lowry that? A Yes, sir
Q Did he swear you to that? A Yes, sir
Q Lowry did? A Yes, sir
Q You remember that right well? A Yes, sir
Q Fresh in your mind? A Yes, sir
Q How long had the child been dead then? A Two years
Q At the time you made out the affidavit? A Yes, sir
Q You are sure of that? A Yes, sir
Q You are sure it was dead two years when you made out the
affidavit? A Yes, sir Nancy Mayfield was along
Q At the time you and Nancy Mayfield came in that child had been
dead two years? A Yes, sir
Q You dont know how old that child was when it died? A About
two years
Q When was he born? A Died in 1900, born the 27--Harris Dean was
born in 1899 and Leo Dean was born in 1897--
Q I suppose you mean 1897? A Yes, sir
Q Is your child Harris Dean living? A Yes, sir
Q Are you certain Leo Dean was born two years before Harris
Dean? A Yes, sir
Q You are certain Leo Dean was born two years before Harris?
A Yes, sir
Q How long before that time when Harris was born did Leo die?
A He died after Harris was born, he was sick all the time
Q Did you have any midwife when Leo was born? A Yes, sir
Q Who? A Nancy Mayfield
Q You didn't bring her this time? A No, sir she couldn't come
her baby is young
Q Did you make any record anywhere of the date of the birth of
your child Leo, ? A No, sir
Q Did anybody? A No, sir
Q Did you make any record of the birth of Harris Dean? A Yes, sir
I have it in the bible
Q He is living? A Yes, sir

Q Did you put it down yourself? A I got Mr. Tolbert
Q You are sure that record about the birth of Harris is right?
A Yes, sir
Q When you came in here and made an affidavit about the birth of Harris had you looked at that record? A Yes, sir
Q So the affidavit you made about Harris is correct is it? A Yes
Q John Dean also made an affidavit and gives the same date for the birth of Harris? A Yes, sir
Q Are you sure Leo was living when Harris was born?? A Yes, sir
Q How long after Harris was born before Leo died? A I cant figure the months because I cant read and write very well
Q Was it a year after Harris was born before Leo died? A Little over a year
Q The Commission wrote you a letter in last year-1904, asking you to come in and give testimony? A I was sick until I came up here
Q You did come in here? A I did come but not when I got the notice
Q When you came with the newborn child why didn't you mention this? A I didn't know
Q We wrote you in this July? A Well I was in bed then with this baby

P.W.Tolbert, being duly sworn, testified as follows:

Q What is your name? A P.W.Tolbert
Q What is your age? A 48
Q What is your post office? A Muskogee
Q Do you know John Dean? A Yes, sir
Q Any kin to you? A No, sir
Q Do you know Annie Dean? A Yes, sir
Q Any kin to you? A No, sir
Q Do you know a child of theirs named Leo? A Yes, sir
Q Is he living? A No, sir
Q When was he born? A I think it was--I mostly heard he was born I think it was in 1897
Q Do you know what month and day? A No, sir I dont know exactly
Q Was it in the fall or spring or what season of 1897? A I dont know exactly
Q Do you remember whether it was hot or cold? A No, sir
Q You just remember it was in 1897? A Yes, sir
Q Do you know how long Leo lived? A No, sir, they had me put his age down just a while before he died.
Q You put Leo's age down? A I put all their ages down
Q What did you put it down in? A In the family bible
Q Whose bible? A Theirs
Q Can you recollect whether there was anything else on the page where you put Leo's age? A Yes, sir
Q Is that all you put on that page at that time? A Put the birth of Harris
Q When was Harris born? A In 1899
Q Do you recollect the month? A No, sir
Q Did that follow right after Leo? A Yes, sir
Q That's the next entry you made? A Yes, sir
Q Was there any other entry after that? A I think the birth of Leanna
Q What was after that? A The birth of Dona
Q Anything more on that page? A No, sir
Q Did you put down anywhere about the death of Leo? A Yes, sir
Q Where did you put that? A No, sir I didn't put that down
Q Are these entries about the births of these children are they in pen or pencil? A Pencil
Q Same kind of pencil? A Yes, sir

Q How long after the birth of Leo before you put it down? A
A few days, a month or couple of months something like that
Q How long after the birth of Harris before you put his name down
A I dont know, whenever I would come to their house they would
tell me what to put down
Q How old was Leo when he died? A I think he died about April
19 or 23
Q What year? A 1900 April 23 that's as near as I can remember
Q Didn't you say you put that down in a book? A No, sir they
told me to put it down but I dont remember that I did. They asked
me to put the death down
Q Did you put his age down? A I put down the date he was born
Q Didn't you put down anywhere how old he was when he died? A
Not as I remember, I might have heard of the time but I dont
remember putting it down
Q Do you know how old he was when he died? A I wasn't there
and I am not sure but when that child was born I was riding my
horse and when I got back this child was dead and he told me he
had another fine boy
Q He told you he had another fine boy before the other one died?
A It was the same day
Q Were you present when Leo died? A No, sir
Q Were you present when Harris was born? A No, sir
Q Were you present when Leo was born? A No, sir
Q How did you know what to write in the bible? A What they told
me
Q Did you ever see Leo? A Yes, sir
Q What was the biggest you ever knew him, how old would you say?
A I would say he was a year, or 18 or two years old
Q And he was born in 1897? A Yes, sir
Q Between 18 months and two years when he died and born in 1897?
A That's my judgement
Q Could you after looking in that record tell what month in
1897 he was born? A Yes, sir

The applicant is advised that this office desires that
this witness bring the bible in which he wrote these
entries of birth.

The affidavits referred to are made a part of this record.

I, Anna Garrigues, state that the above and foregoing is a true
and correct copy of my stenographic notes as taken in said cause
on said date.

Anna Garrigues.....

Subscribed and sworn to before me this
25th day of August 1905

Edw. C. Grier
.....
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 25, 1905.

In the matter of the application for the enrollment of
Leo Dean, deceased, as a Creek freedman.

Annie Dean, being duly sworn, testified as follows:

Q What is your name? A Annie Dean.

Q You testified in this case day before yesterday? A Yes, sir

Q How old was your child Leo when he died? A About two years.

Q Less than two or more than two? A As near as I can get at it he
was about two

Q Was he less or more than two? A I couldn't tell about less or
more but he was two, I dont count up just the time, I had the
age put down so I would always know

Q You didn't put down the date of the death?-When did he die?

A The 22nd April

Q What year? A 1900

Q In your affidavit you and Nancy Mayfield the midwife swore
it died 30 June 1899? A I didn't have the bible up there I
told Mr. Lowery as I could get at it

Q When you made this affidavit, you say before Lowery, you
remember the time you did that-A I cant remember the day of the
month

Q What year? A I dont know what year.

Q How long had the child been dead when you made the affidavit?

A About mighty near three years I think, as near as I can get
at it

Q You stated day before yesterday it had been dead two years. It
appears that the affidavits referred to were executed December 23
1901 Had Leo been dead more than two years or less than two
years at that time? A I cant tell just how long

Q You remember making this affidavit you and Nancy Mayfield

A I was with Lowery if he was a notary public

Q You remember coming in that day with Lowery and testifying
about the death of this child? A Yes I went before Lowery and
I told him just what I told you

Q How long had the child been dead then? A I dont know just how
long.

Q I want you to answer that question how long had he been dead
when you came up to the office? A As near as I can get at it it
was two or three years

Q Which do you think it was two or three years? A I dont know
just how long it was but I tell you as near as I can get at it

Q You said that Leo died after Harris was born, how long after?

A He died the 22nd April

Q I am not asking you for dates I am asking you how long after
the birth of Harris did Leo die? A I knew he was over a year
old when he died

Q How many months over? A I cant tell

Q How old was he when your child Fredonia Dean was born?

A Right smart

Q How long was it? A I dont know but I know she is two years
going on three

Q You didn't write this entry in the bible? A No Tolliver wrote
it, I cant write only just scribe a little

P.W. Tolliver, being duly sworn, testified as follows:

- Q You testified in this case day before yesterday? A Yes, sir
Q Did you make these entries in the front of this bible about the birth of the children of Annie Dean? A Yes, sir
Q Did you write them all at once? A Yes, sir

On a blank page in the front of said bible appears the entry " Leo Dean born August 31, 1897. This is the only entry that appears on this page.

- Q When did you write that? A I dont know whether it was two or three months after he was born.
Q You were asked yesterday is that all you put on that page at that time referring to entry about Leo's birth and you said put the birth of Harris and I asked if that followed right after Leo and you said yes and now it appears that the only entry on the page is that of the birth of Leo, how do you account for that On the same leaf but the next page appears the entry Harrison Dean bearth May th 12 1899, did you write that the same day you wrote about Leo? A No, sir Leo's birth I wrote directly after he was born first or second month.
Q When did you write this about Harrison? A Directly after he was born
Maryana Dean -next entry-- bearth May 15, 1901, do you know that Leo Dean was living when Maryana was born? A I know he wasn't living then.
Q How long had he been dead? A Dent know
Q How did you come to do this writing for them? A I went back and ferth to their house

Immediately following Maryana appears Fredonia Dean born June 4, 1903 did you write that? A Yes, sir
Then appears Reder Dean born July 24, 1905

- Q Did you write that? A Yes, sir
Q Did you write anything else in that bible? A No, sir
Q Did you ever write anything about the death of Leo? A No, sir

- On one of the last pages of the book appears the entry
Leo died 22 secend day April ye 1900,
Q who wrote that do you know? A No, sir
Q Did you know that was in the book? A I didn't pay any attention at that time.
Q You wrote that entry about the birth of Harris did you? A Yes
Q How long had Leo been dead when Harris was born? A I dont know
Q You didn't know about the birth of Harris and you didn't know about the death of Leo did you? A No, sir, when I came home Leo was dead and the other one was born.

Annie Dean recalled.

- Q D o you know who wrote this " 22 secend day April 1900"?
A Maggie
Q Who? A A girl from Texas
Q When did she write it? A Its been a good while.
Q Was it near the time Leo died? A It was away afterwards.
Q Did Mr. Tolliver write all these entries about the births?
A Every one except the one I told you
Q Just think a minute and tell me how old Leo was when he died?
A I told you
Q How old? A He was two years older than Harrison and he died after Harrison was born before Maryana was born
Q Was he two years older to a day than Harrison? A I guess and a little more

Q How old was Leo when he died? A He was over two years old
Q How much over? A I guess he must have been- he died before Maryana was born about a month
Q You say now that Leo died about a month before Maryana was born
A Yes, sir
Q Are you sure he died in the same year Maryana was born?
A He bound to be

It appears from the records of this office that Maryana Dean was listed on Creek freedman card 1648, opposite roll No. 6089 and was born May 15, 1901

Q Do you mean to tell me now that Leo died in 1901? A I told you when he was born and when he died
Q Do you mean to say now that Leo died in 1901? A You asked me how long and I told you as near as I could
Q You told me Maryana was born about a month after Leo died and the records of the office show that Maryana was born May 15, 1901 now as near as you can tell us how old Leo was when he died?
A I told you as near as I could he was about a year and 9 or 10 months
Q You are sure of that? A Let's see-- say about 8 months.
Q Do you know anybody in your neighborhood that knows when your child Leo died--any good reliable persons--that would testify on that point? A There's people I know that know when he died but they are just like myself-cant read or write.
Q Did you have a doctor when he died? A I had Dr. Williams
Q Do you know if he made any entry in his books? A I dont know
Q Did you buy a coffin for the child? A Robert Wallace made it.
Q What is his address? A Okeha.
Q Was Dr. Williams there when the baby died? A No, he came the day before
Q Did he come after it died? A No my husband told him not to come the baby was dead.
Q Did you pay Dr. Williams? A Yes, sir
Q You say this child lived a year and eight months? A He lived two years
Q When did you say Leo died? A I told you when he died
Q What year did Leo die? A I told you he died in 1900
Q What month? A 22nd April
Q Are you sure it was in April he died? A Yes, sir, as near as I can get at it ,I told you he died in April and I told Lowery the same thing.

I, Anna Garrigues, state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before
me this 26 day of August 1905

Edw. L. Grimes
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Leo Dean, deceased, as a Creek freedman.

D E C I S I O N.


The record in this case shows that on December 23, 1901, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavit of Annie Dean relative to the death of her minor child, Leo Dean, which said affidavit is considered as an application for the enrollment of said Leo Dean, deceased, as a Creek freedman.

Further proceedings were had August 23, 1905 and August 25, 1905.

The evidence shows that said Leo Dean, deceased, was born during the year 1897, and that he died subsequent to April 1, 1899.

The evidence further shows that said Leo Dean, deceased, was the minor child of Annie Dean, a non-citizen, and of John Dean, and an examination of the records of this office shows that the name of said John Dean appears upon the partial list of Creek freedmen approved by the Secretary of the Interior March 28, 1902, opposite No. 4585.

It is, therefore, ordered and adjudged that said Leo Dean, deceased, is entitled to be enrolled as a Creek freedman, in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and the application for his enrollment as such is accordingly granted.



Commissioner.

Muskogee, Indian Territory,

JAN 18 1906

J. J. B.
D.C. 29.

Muskogee, Indian Territory, January 23, 1904.

Annie Dean

Muskogee, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the death of your son, Leo Dean, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of his death, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, January 16, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Leo Dean, deceased, as a Creek Freedman.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of said Leo Dean, deceased, and if, at the expiration of said time, no protest has been filed, said person will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Commissioner.

JYM-16-9

D.A. 89

Muskogee, Indian Territory, July 28, 1908.

Annie Dean,

Muskogee, Indian Territory.

Dear Madam:

There is on file at this office, affidavit executed by you relative to the death of your son, Leo Dean, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation.

It is desired that further evidence be submitted in the case.

You are hereby notified to appear before this office in Muskogee, Indian Territory, within twenty days from date, with two witnesses who know the date of the death of said Leo Dean, for the purpose of being examined under oath.

Respectfully,

Commissioner.

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BA-62-53.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Huskogee, Indian Territory, April 26, 1902.

In the matter of the application for the enrollment of Elizabeth Francis and Amos Francis as citizens by blood of the Creek Nation.

Annie Francis, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Annie Francis.
Q How old are you? A 25.
Q What is your postoffice? A Huskogee.
Q You are a citizen of the Creek Nation, are you? A Yes sir.

The witness is identified as Annie Francis, and her name is contained in the partial list of Creek citizens by blood, approved by the Secretary of the Interior, March 28, 1902, Roll No. 6304.

- Q Have you a child named Elizabeth Francis? A Yes sir.
Q How old is Elizabeth? A Four years old.
Q Is Elizabeth Francis living? A Yes sir.
Q She is here, is she? A Yes sir.
Q In what year was Elizabeth Francis born? A I don't recollect now.
Q You say you don't recollect? A No sir.
Q Have you a child named Amos Francis? A Yes sir.
Q How old is Amos? A About eight years old.
Q Is Amos here with you today? A Yes sir.
Q Is he living? A Yes sir.
Q Who was present with you when Amos Francis was born? A My grandma; she is dead.
Q Who was with you when Elizabeth was born? A Dinah Williams.
Q She is living? A Yes sir.
Q She is here today? A She didn't come today.
Q Does she live in Huskogee? A Yes sir.
Q You filed an affidavit here in January, 1902, and you said in that affidavit that Elizabeth Francis was born on the second day of November, 1899; is that correct? A Yes sir.
Q That ~~can't~~ make Elizabeth a little more than five years old now; is that right? A Yes sir.
Q Who is the father of Elizabeth and Amos Francis? A William Francis.

William Francis is identified on Creek Indian card, Field No. 127, and his name is contained in the partial list of Creek citizens by blood, approved by the Secretary of the Interior March 13, 1902.

~~Elizabeth and Mrs. Francis~~
The children are present and appear to be about the ages indicated.

INDIAN TERRITORY, Western District.

I, J. Ya Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me
this the 22 day of April, 1906.

J. Ya Miller

John E. Parich

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Amos and Elisabeth Francis as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on January 20, 1902, there were filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavits of Annie Francis relative to the birth of her minor children, Amos Francis and Elisabeth Francis, which said affidavits are considered as an application for the enrollment of said Amos Francis and said Elisabeth Francis as citizens by blood of the Creek Nation. Further proceedings were had April 26, 1905.

The evidence shows that said Amos Francis was born prior to April 1, 1899, that said Elisabeth Francis was born November 2, 1899, and that both of said children were living at the date of the last proceedings herein.

The evidence further shows that said Amos Francis and said Elisabeth Francis are the minor children of William Francis and Annie Francis, that the name of said William Francis is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, opposite No. 469, and that the name of said Annie Francis is contained in the partial list of citizens by blood of said Nation approved by the Secretary of the Interior March 28, 1902, opposite No. 8304.

It is, therefore, ordered and adjudged that said Amos Francis is entitled to be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and that said Elisabeth Francis is entitled to be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the act of Congress, March 1, 1901 (31 Stats., 861), and the application for their enrollment as such is accordingly granted.

Muskogee, Indian Territory.

NOV 14 1905


Commissioner.

2893
B.A. 53.

Muskegee, Indian Territory, September 29, 1903.

Annie Francis,

Muskegee, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth of your minor child, Amos Francis, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further testimony be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskegee, Indian Territory, with two witnesses who knew the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

COMMISSIONER:
TAMM BERRY,
THOMAS S. HENDERSON,
C. S. BRACKENRIDGE.

WM. C. SHALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED
JAN 22 1905

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 21, 1905.

William Francis,

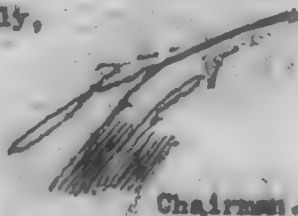
Chase, Indian Territory.

Dear Sir:-

There are on file with the Commission affidavits executed by Annie Francis relative to the birth of the minor children, Amos and Elizabeth Francis, who, it is claimed, are entitled to enrollment as citizens of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of birth of said children, for the purpose of being examined under oath.

Respectfully,



Chairman.

Register.

Bn.970

Muskogee, Indian Territory, November 14, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Amos and Elizabeth Francis, as citizens by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been filed said Amos and Elizabeth Francis, will be regularly listed for enrollment as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

AS-970-1

Muskogee, Indian Territory, January 10, 1906.

William Francis,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the names of your minor children, Elizabeth and Amos Francis, are contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior January 4, 1906, and that application for selections of land in the Creek Nation for said children may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR

EN 971

CR EN 971

Alleged Appl'n.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 9, 1905

In the matter of the alleged application for the enrollment of James Relf as a citizen of the Creek Nation.

APPEARANCE: F. L. Burlingame, (Muskogee, I. T.) Attorney for alleged applicant.

James Relf, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A James Relf.

Q How old are you? A 55.

Q What is your postoffice address? A Jones City, Oklahoma.

Q Did you appear before this Office prior to September 1, 1904, and make application to be enrolled as a citizen of the Creek Nation? A Yes sir.

Q State the circumstances. A I did not take any recommendation, the number the date of the month, but it was sometime in February. Lawyer Twine had written me he would attend to the case for me. I came up and told me to come before the Dawes Commission. I don't know what office it was Twine sent me. He was with two other parties. I came in. The gentleman I went before, he asked me what tribe I was. I told him the tribe I did not know; my mother was Alabama; he said the Creeks were Alabama. He said I was too late; the rolls were closed.

Q When was it that you came? A 1904, in February, sometime in month February. I did not take--

Q Are you sure it was not February of this year? A No sir; it was last year.

Q Where did you go, come to this office here? A I don't know, the gentleman Twine sent me before was named Mr. Needles.

Q Did you get a description of the man that you went before?

A Short dark complexioned.

Q Dark hair? A Yes sir.

Q Tall man or short man? A He wasn't really a short man. I did not pay special notice after he told me the rolls closed, was too late. I told Twine what he said.

Q Was he an old man or a young man? A He looked like a real ageable man.

Q Did you do anything else about the matter at that time?

A No sir, last fall, not at that time.

Q Did you do anything more about it before the first of September, 1904? A No sir.

Q Were you sworn, like you are today? A No sir; I wasn't.

Q Was that man you came before, in this building? A He was here at the Dawes Commission building, I suppose; right on this street.

Q Did he have a moustache or whiskers? A Well, he had a moustache

BY MR. BURLINGAME;

Q What did the man you were speaking to on that date tell you about? A He told me the rolls had closed against mixed bloods; I was too late. I didn't have but a few words.

BY THE COMMISSIONER;

Q Did he ask you if your name appeared on the tribal rolls?
A No sir. Told my business we came up here, the gentleman said it was too late.

BY MR. BURLINGAME;

Q When did you first discover that the rolls were not closed?
A I found out here first through a full-blood Indian. I came up here when they were enrolling the new-borns, that the rolls did not close until September, 1904.

Jesse Norris, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER;

Q What is your name? A Jesse Norris.

Q How old are you? A 29.

Q What is your postoffice? A Muskogee.

Q Are you a citizen of the Creek Nation? A Yes sir.

Q Do you know James Relf? A I got acquainted with him a little over a year ago.

Q Did you ever come up to the Commission with him? A Yes sir.

Q To make application for his enrollment? A Yes sir.

Q Did you come to this room? A I come from Mr. Needles.

Q You came up and saw Mr. Needles? A Yes sir.

Q Did you talk with Mr. Needles? A This gentleman was the one that was talking with Mr. Needles.

Q Do you remember what he said? A Mr. Needles was questioning him, asking him what tribe he was. Said his mother was Alabama; he said Creeks was Alabama but the rolls was closed on mixed bloods. That was all what he said.

Q What kind of a looking man was it--the man that was talking?

A Mr. Needles--a big fellow; kind of side moustache, I know Mr. Needles as much as I have been before him.

Q What color hair did he have? A Never noticed Mr. Needles' hair.

Q Did he have black hair or white hair? A I don't know the color, more kind of bald head. I didn't pay attention to him, only the moustache.

Q Did he do anything else about that, when he came away from Mr. Needles--this man? A Yes, he came out after Mr. Needles told him the rolls were closed on mixed bloods. He came, he had--

Q How do you know it was Mr. Needles? A I ought to know, as much as I have been before Mr. Needles, I have been before Mr. Needles lots.

Q You know him well, do you? A Yes sir.

Q Is he here now? A I don't know. I haven't been in town for a month or two. I work at--

BY THE COMMISSIONER;

Q How do you know it was Mr. Needles that you went before? A I aint acquainted with Mr. Needles; that was the name that was given

Me.
Q. Who gave it to you? A. Lawyer Twine and Mr. _____ told me it was Mr. Needles.
Q. Do you remember in what room he was sitting? A. I'm not like in this building. I think it was in this building.
Q. Was it a room on the second or third story or the ground floor?
A. First story, I think it was.
Q. You came up stairs? A. Yes sir.
Q. When was that? A. February a year ago, 1904.
Q. What did you do when you came up before him? A. I come up here to enroll. He said it was too late. He asked about the tribe.
Q. Too late for what? A. To be enrolled.
Q. Tell me what you did? A. I came to be enrolled and spoke it was too late for mixed bloods.
Q. You are sure he told you that? A. Yes sir.
Q. Had you told him anything before that? A. No sir; that was the first time I was here.
Q. How did he know you are a mixed blood? A. I told him my mother was.
Q. Tell me what was the first thing you did when you came before Mr. Needles--the first thing you did? A. I spoke to him and told him I come to be enrolled. He asked me what I was; I told him I was a mixed blood. What tribe I told him I did not know; my mother was Alabama and I was born and raised there. He said it was too late.
Q. You did not tell him what tribe you belonged to? A. No, I did not tell him.
Q. Or that you thought you belonged to; you told him you did not know what tribe? A. No sir. Just told him my mother was Alabama; I was raised in Alabama; then he said it was too late. Then I went out.
Q. That was all that was done--you told him you wanted to be enrolled and he asked you in what Nation and you said you were raised in Alabama, and he said it was too late and you went out?
A. Yes sir.
Q. Didn't do anything more? Didn't make any further attempt to make application? A. No sir; not at that time. I come back at latter part of April; could not do anything again. Was told rolls closed September, 1904.
Q. From the time you had the conversation with the man you claim to be Mr. Needles--from that time up to September, 1904, you never did anything about that? A. No sir.
Q. Who was here with you at that time? Was anybody with you in the room? A. This gentleman (witness Morris) and another and Twine over from--
Q. Was he with you? A. No sir. He just stepped up here; other parties were with him.
Q. When was that? A. In February; along February first. I came up I got my case from Mr. Twine. I came up and saw him that first was Twine. I came before him on the street and said what he would charge me. He told me better come to the Dawes Commission at first to see Mr. Needles, then come back to see what he--
Q. Do you know whether it was Colonel Needles? A. No sir.
Q. Was he an old man or a young man? A. He did look like he was a young man. I did not take special notice of him.
Q. Did he have a mustache? A. I think he did; I did not pay particular notice. This is the first time I was here in this town.

Witness Jesse Morris was called for to give more testimony, but it was found he had left the building.



Self-.....

At the request of the attorney for the applicant, this case is continued for twenty days to introduce further testimony,

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me
this the 12th day of September,
1905.



Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment
of James Relf as a citizen of the Creek Nation.

SUPPLEMENTAL STATEMENT.

Tribal rolls of the Creek Nation in the possession of this
Office examined, and the name of James Relf does not appear on any
of said rolls.

Record of the proceedings of the Colbert Commission in the
possession of this Office examined, and it does not appear that
application was made to said Commission for the admission of the
applicant herein to citizenship in the Creek Nation.

Record of the proceedings of the Commission to the Five
Civilized Tribes, under the provisions of the act of Congress
June 10, 1896 (29 Stats., 321), examined, and it does not appear
that application was made to said Commission for the admission
of the applicant herein to citizenship in the Creek Nation.

Records of the Commission to the Five Civilized Tribes fur-
ther examined and it does not appear therefrom that application
was ever made for the enrollment of the applicant herein as a
citizen of the Creek Nation.



Commissioner.

Muskogee, Indian Territory,
December 28, 1905.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY,
NOVEMBER 24, 1906.

Cr. No. 971

In the matter of the application for the enrollment of
JAMES ROLF, as a citizen by blood of the Creek Nation.

APPEARANCES: John G. Lieber, acting on behalf of M. L. Nett
attorney for Creek Nation.
Percival L. Burlingame, attorney for appli-
cant.

Statement on behalf of the Commissioner:

It appears from the records of this office that on September 9, 1905 James Rolf appeared at the office of the Commissioner and testified in the matter of an alleged application for his enrollment as a citizen of the Creek Nation. That under date of September 28, 1905, a decision was rendered by the Commissioner dismissing said application. That on October 24, 1906 the Department vacated and set aside the order of the Commissioner dismissing said application and directed that this case be reopened for adjudication under the provisions of Section One of the Act of Congress approved April 26, 1906.

The parties in interest were notified that a hearing would be had in this matter on November 20, 1906. No evidence was taken on said date, but on request of attorney for applicant the case was continued until this date, November 24, 1906.

James Rolf, being first duly sworn by Henry G. Hains, a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: James Rolf.
Q: What is your age? A: About 55.
Q: When you appeared here on September 9, 1905 you said you were 55 years of age at that time? Then you are about 56 now are you? A: Yes sir.
Q: What is your post-office address? A: Jones City is my post-office address.

- Q: Oklahoma is it? A: Yes sir.
- Q: How long have you been a resident of Jenes City, Oklahoma?
- A: I just moved to different places but I stayed with my chaps there at different times and I stayed down with them chaps until the middle of last summer.
- Q: How long have you lived in Oklahoma continuously?
- A: I have been there continuously ever since better than a year ago, right there with them.
- Q: Did you live in Oklahoma before a year ago? A: Yes sir. I stayed down here at Beggs a while—a few weeks, I had a little chap a girl down there I stayed with them and I moved back again.
- Q: What have you considered as your home for the past 20 years?
- A: Oh before I was moved out here in the West I was in Alabama I was raised in Alabama.
- Q: Where were you born? A: Alabama.
- Q: How long did you live in Alabama immediately after your birth? A: Oh up until about 4 years ago or 5 years ago then I moved West.
- Q: You lived in Alabama until about 5 years ago? A: Yes sir.
- Q: Then where did you go? A: Came West to the Territory.
- Q: To Oklahoma Territory? A: Yes sir.
- Q: You came direct from Alabama to Oklahoma Territory? A: Yes sir.
- Q: How long did you live in Oklahoma after you first reached there? A: I stayed there 2 or 3 months and then I came down here in the Creek Nation and stayed at different places and finally one of my girls married down there in the Creek and I stayed with her.
- Q: How long did you stay down there? A: I stayed from 3 or 4 weeks at a time with her.
- Q: Just visited in the territory here with her did you?
- A: Yes then I stayed with the other children a while.
- Q: You came over to the Creek Nation several times to visit your children, is that correct? A: Yes sir.
- Q: Did you ever establish a residence in the Creek Nation?
- A: No, I never established one in the Creek Nation.
- Q: Did you ever establish a residence in Oklahoma?
- A: No sir, I am renting a school quarter in Oklahoma.
- Q: Have you been farming in Oklahoma for the past five years?
- A: This is my first crop for me and living with my chap.
- Q: Did you ever put in a crop in Indian Territory? A: No sir I never put in any crop in Indian territory in town here.
- Q: What do you claim to be, a citizen of the Creek Nation?
- A: Yes sir, by blood.
- Q: Have you ever been recognized by the Creek Tribal authorities as a citizen of the Creek Nation? A: No sir, I guess not.
- Q: Have you ever received any monies from the Creek Nation?
- A: No sir.
- Q: What Creek Indian town do you claim to be a member of?
- A: Why she claimed—my mother did, she claimed she was from Rufaula and in the old State.
- Q: Of Rufaula town in Alabama? What was the name of your mother? A: Lou.
- Q: Lou what? A: Lou Relf in my days.
- Q: Were both of your parents Indians? A: No sir, my mother was.

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Q: Your father was a white man? A: Yes sir.
 Q: Is your mother living? A: No, no.
 Q: When did she die? A: She has been dead as near as I can come to it, 15 or 16 years.
 Q: Where did she die? A: In Alabama. She stayed with me until she died, I took care of her she was old.
 Q: Then you claim to be a Creek Indian from your mother?
 A: Yes sir.
 Q: Was she ever recognized in any way as a Creek Indian?
 A: Well whenever an Indian would pass there they would stop with her and stay with her all the time she was there and she would recognize them.

Questions by Attorney for Applicant.

Q: What was your mother's name before she was married?
 A: Perryman. Her father was a Perryman.
 Q: Do you know what her father's name was?
 A: Russell Perryman and her mother was named Mollie Perryman and my mother was called Lou.
 Q: You say your father was a white man? A: Yes sir.
 Q: What part of Alabama did they live in when you were a child?
 A: My father moved to different places, sometimes he lived in Mobile when I was small and sometimes he moved up in Montgomery, that is where he died.
 Q: Do you know when he died? A: Yes sir.
 Q: When was it? A: When I was small, directly after emancipation took place I was small then--he died with the small-pox.
 Q: Where did you live after his death? A: I lived up there in Alabama, in Lawrence County.
 Q: With whom did you live? A: With my mother.
 Q: Did you continue to live with your mother or she with you until she died? A: She kept me hired out until I got married and then she lived with me until she died.
 Q: What kind of a looking woman was she?
 A: She was a red skinned woman, but she was old.
 Q: Did she look like an Indian? A: Yes sir.
 Q: What have you heard her say as to her being a Creek Indian?
 A: I heard her say that her tribe that she was in was a Creek Indian and I heard her say how they were destroyed at the time they was thrown out there.
 Q: When was that you heard her talking about these things?
 A: She talked all the times, especially when they stopped in there and sat with her.
 Q: Do you know whether she talked the Indian language with them when they stopped there?
 Q: Yes, she talked the Indian language with them, they could talk with her.
 Q: Could you understand it? A: No sir.
 Q: Did you ever learn to talk it? A: No sir.
 Q: Did she ever talk it with your father? A: No sir.
 Q: Do you know what Nationality your father was? A: No sir, I don't really know what nationality he was.
 Q: Did he claim to be an American? A: He didn't say he was an American or what but he passed as a white man.
 Q: Did he live among the whites mostly? A: Yes sir.
 Q: Did your mother and father live together until he died?
 A: Yes sir, they lived together until they died.

- Q: What did you come West for? A: I came up here hunting up her kinship. I came up here 12 or 13 years before I moved up here, and Indian Deeter moved through there and kept asking me something about my ancestors and I didn't know what he meant and he told me the names of them and he said there were a lot of Perryman's out in the west and I went and stayed about a month and I couldn't find any of them and I went back.
- Q: When was that? A: That was 12 or 14 years ago. I came as far west as Ardmore.
- Q: What was it you came for this last time when you came up here? A: I came up here to get with the Tribe if I could find them and her relations, especially if I could find any of them, and they all had died out, there wasn't any of them any more. My mother had died, that is how I came up here to find her relatives, if I could find any.
- Q: Were some of your children living here in the Territory at the time you came, 4 or 5 years ago? Was your daughter here? A: No sir.
- Q: She married and settled here afterwards? A: Yes sir. There are two of them.
- Q: Are they both at Beggs? A: No sir, one is at Bristow.
- Q: Did these children come out with you when you came?
- A: Yes sir, I brought them out the last time when I moved.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: When you came out here 14 years ago to Ardmore you didn't move here did you? A: No sir, I was hunting my mother's relatives.
- Q: You say you stayed about a month at Ardmore and then went back? A: Yes sir I came up from there and I came up here to Guthrie, the capital.
- Q: Guthrie, Oklahoma? A: Yes sir.
- Q: You never moved West from Alabama until about 5 years ago and then you moved to Oklahoma? A: Yes sir.
- Q: You have never lived in Indian Territory, that it made that your home? A: No sir.
- Q: Do you claim to be on one of the rolls of the Creek Nation?
- A: No, I haven't any roll.
- Q: Never drew any money from the Creek Nation? A: No sir.
- Q: You simply claim a right to enrollment as a citizen of the Creek Nation because you claim to be an Indian by blood?
- A: Yes sir, my mother was an Indian.

JOHN FRANCIS, BRING FIRST DULY SWORN BY HENRY G. HAINS
Testified as follows, through sworn interpreter, William McCombs.

Questions by Commissioner:

- Q: What is your name? A: John Francis.
- Q: How old are you? A: I don't know my age exactly but I came from the old country--meaning Alabama.

- Q: Are you somewhere between 70 and 80 years of age? A: Yes sir.
- Q: What is your post-office? A: Eufaula.
- Q: Are you a citizen by blood of the Creek Nation? A: Yes sir my mother was a half blood, my father was also a half blood but my grand-mother was a full blood Creek.
- Q: Are you acquainted with James Relf the applicant in this case and the one who preceded you on the stand?
- A: Yes sir.
- Q: How long have you been acquainted with him?
- A: He came here not very long ago and I knew him when he came in.
- Q: Have you known him for the past 4 or 5 years?
- A: About a year.
- Q: And you knew nothing of him prior to that time?
- A: I did not know him prior to the time but I knew his people.

Questions by Mr. Burlingame, attorney for applicant.

- Q: Did you know Lou Perryman in Alabama? A: Yes sir.
- Q: Did you know her father and mother? A: Yes sir.
- Q: What was her mother's name? That is Lou Perryman's mother?
- A: Mollie. She was a full blood Indian.
- Q: Of what tribe was she a full blood Indian?
- A: Muskegee and of the Eufaula town.
- Q: Do you know who Lou Perryman married?
- A: She married a full blood Indian but they had a square name or a ward name but I don't remember it.
- Q: Now this Lou Perryman's father what was his name, or do you know his name? A: He was a Perryman but his Indian name was Tus-ka-na-goo.
- Q: That was Lou Perryman's father? A: Yes sir.
- Q: Well now did you know Lou Perryman after she married the father of James Relf, the applicant? A: Yes I knew them but the children were born after her marriage.
- Q: Did you know or ever see James Relf's father?
- A: Yes, when I was back there I saw him and knew him.

Questions by Commissioner:

- Q: Did you ever know James Relf the applicant, in Alabama?
- A: I did not know him.
- Q: Have you any direct knowledge that the James Relf the applicant here is the son of Lou Perryman? A: My Uncle Knock Harjo in his life time told me my Aunt had children back in Alabama.

Y. A. WATSON, being first duly sworn by Henry S. Haine, a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Y. A. Watson.
- Q: How old are you? A: I am near 70 years old according to the accounts given me, maybe a little more.

- Q: What is your post-office address? A: Luther, O. T.
- Q: Are you a citizen of any of the Five Tribes?
- A: Myself--yes sir. Well I don't know for certain that I am but my mother used to say that I was.
- Q: Are you merely a citizen of the United States--a colored man? Is that what you are?
- A: Yes, I have been going for that all these days.
- Q: Are you acquainted with the applicant in this case, James Relf? A: I am.
- Q: How long have you known him? A: Well I have known him from boy-hood.
- Q: Where did you first get acquainted with him? A: Alabama.
- Q: In what year was that or how many years ago?
- A: Well, that is over 50 years.
- Q: How long did you know him there in Alabama, how many years were you acquainted with him there?
- A: Well all of his life, I have been knowing him all of his life.
- Q: Do you know when he left Alabama for this country--for the west? A: Yes sir, I have some knowledge of it. He was out here and spent--eh, I don't know a few months--about 14 years somewhere along in there, ten or 12 years ago then his last coming was in the latter part of September, 1902, somewhere along there, he has been out here about 4 years.
- Q: Did you come out here with him this last time?
- A: Oh no, I was here when he came.

Questions by Mr. Burlingame, attorney for Applicant.

- Q: Did you know his parents, his father and mother in Alabama?
- A: I know his father and mother.
- Q: What kind of a man was his father? A: His father was a white man.
- Q: Did you know his name? A: Relf.
- Q: Do you know his first name? A: I have always known him as Relf--the other part of his name I wasn't well acquainted with it.
- Q: How far do you live from where this boy was brought up?
- A: Well as near as my memory will serve about 5 or 6 miles, about that.
- Q: What kind of a community do they live in, Indian or white or what kind? A: Well, they live in principally a white community because at that time the Indians were scattered about first one place and then another, the regular settlement of the Indians was about broken up.
- Q: What part of Alabama was this in? A: In Lowndes County, Alabama.
- Q: Do you know his mother? A: I do.
- Q: Did you know her before she married Relf?
- A: Well not as well before as I did afterwards.
- Q: Do you know what her name was? A: Yes sir.
- Q: What was it? A: Lou Perryman.
- Q: Did you know her father or mother? A: No, I didn't know her father nor her mother.
- Q: Did you know Relf and his wife--that is the father of the applicant and the mother of the applicant before the birth of James Relf? A: Yes I knew his mother when she was a right young woman.

- Q: What tribe of Indians, if any, did she belong to, if you know? A: I never heard any claimed for her except the Creeks.
- Q: Did you ever hear her called a Creek Indian? A: Certainly I did.
- Q: By whom? A: By her parents, she said she was called a Creek Indian by her parents, she said she was a Creek.
- Q: What did she appear to be? A: She was a red woman and looks like these other Creek Indians I see.
- Q: Did she look like a full blooded Indian.
- A: A full blooded Indian, that is what she was always called to be.
- Q: Do you know about this James Relf, how long he lived with his mother and father? A: Well his father died early right after the war--they were poor people, his daddy was poor, and he never had any permanent home and his mother had to depend on him for support and had him hired around one place and another making a support for her and afterwards when he became grown, then he taken a wife and kept her with them.
- Q: Kept his mother you mean? A: Yes sir.
- Q: When did you leave Alabama? A: I left Alabama in '78.
- Q: Where did you go from Alabama? A: Went into Texas.
- Q: How long did you stay there? A: I stayed there until about 8 years ago.
- Q: Then where did you go? A: Came over here?
- Q: From where? A: Oklahoma.
- Q: Have you been living in Oklahoma ever since? A: Yes sir.
- Q: At the time you left Alabama was Lou Relf the mother of the applicant still living?
- A: Yes, I had a letter from Relf and he told me of the death of his mother in the letter.
- Q: That was after you had moved to Texas? A: Yes sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: How old are you? A: About 70 I haven't got a direct record of my birth, but my mother used to tell me I was born in 36 or 37 and so I always say I am 70 up to now.
- Q: How old were you at the beginning of the Civil War?
- A: I don't know, I was old enough to be a soldier.

On behalf of the Commissioner:

The attorney for applicant is requested to state whether he has any other testimony to offer:

Attorney for applicant says that he has another witness that he would like to introduce if possible, but it will require some correspondence to locate him.

Commissioner requests how much time attorney for applicant desires, and Attorney for applicant says he would like to have 15 days if that is not too much, saying he would have to write to a party at Sapulpa and find out from him what the name is and get a subpoena to him.

Commissioner stated that 15 days time will be allowed in which attorney for applicant may submit further testimony.

This is all the evidence taken in said case on said date.

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I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date.

Julia C. Laval

Subscribed and sworn to before
me this 28 day of November, 1906.

Edward Herrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

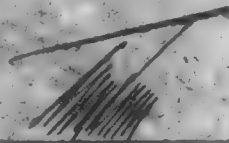
In the matter of the alleged application for the enrollment of James Relf as a citizen of the Creek Nation.

.....DECISION.....

The record in this case shows that on September 9, 1905, James Relf appeared before this Office and submitted testimony relative to an application for his enrollment as a citizen of the Creek Nation, alleged to have been made by him prior to September 1, 1904. Further proceedings were had December 28, 1905.

The evidence shows that the name of James Relf does not appear on any of the tribal rolls of the Creek Nation in the possession of this Office and that no record has been made of an application to the Commission to the Five Civilized Tribes for his enrollment as a citizen of the Creek Nation.

I am of the opinion that the evidence in this case fails to establish that an application was made to the Commission to the Five Civilized Tribes for the enrollment of said James Relf as a citizen of the Creek Nation prior to or on September 1, 1904, on which date the rolls of the Creek Nation were closed by order, dated June 15, 1904, of the Secretary of the Interior under authority in him vested by the act of Congress March 3, 1901 (31 Stats., 1058), and the matter of the alleged application for the enrollment of said James Relf as a citizen of the Creek Nation is accordingly dismissed.



Commissioner,

Muskogee, Indian Territory.

MAR 13 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James Relf, as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on September 9, 1905, James Relf appeared at this office and submitted testimony in the matter of his alleged application for enrollment as a citizen by blood of the Creek Nation; that on March 12, 1906, the Commissioner to the Five Civilized Tribes rendered his decision in said matter, dismissing said alleged application, which said decision, together with the record in the case, was on March 13, 1906, forwarded to the Department for approval; and that on October 24, 1906, (I.T.D. 21022-1906) the record in this case was remanded by the Secretary of the Interior with instructions to conduct a further hearing in view of the provisions of Section 1, of the Act of Congress approved April 26, 1906 (34 Stats. 137). In accordance therewith further proceedings were had on November 24, 1906.

It appears from the weight of the evidence that the applicant James Relf was about 56 years old at the time of the last proceedings had herein.

It does not appear from the evidence or from the records in the possession of this office that the said James Relf has ever been admitted to citizenship in the Creek Nation by the Creek Tribal authorities, the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats. L. 321), or the United States Court in Indian Territory on appeal, or that his name appears on any of the authenticated tribal rolls of the Creek Nation.

It is, therefore, ordered and adjudged, that there is no authority of law for the enrollment of said James Relf as a citizen by blood of the Creek Nation and the application for his enrollment as such is accordingly denied.


COMMISSIONER.

Muskegee, Indian Territory.

FEB 7 - 1907

✓
En. 971

Muskogee, Indian Territory, October 4, 1905.

James Self,

Jones City, Oklahoma.

Dear Sir:

Receipt is acknowledged of your communication, without date, by reference from the Secretary of the Interior, relative to your alleged application for enrollment as a citizen of the Creek Nation.

In reply you are advised that the matter of your alleged application for enrollment as a citizen of the Creek Nation is pending before this office and that when final action is had in the matter, you will be duly notified.

Respectfully,

Commissioner.

En. 971

Muskogee, Indian Territory, October 6, 1905.

James Helf,

James City, Oklahoma Territory.

Dear Sir:

At the conclusion of the testimony taken September 9, 1905, in the matter of the alleged application for your enrollment as a citizen of the Creek Nation, the case was at your request continued for twenty days.

No further evidence has been offered in said case.

You are hereby notified that you will be allowed fifteen days within which to appear before this office to submit such testimony as you may desire in said matter and in the event that no further evidence is offered, within the time specified, the case will be adjudicated upon the record now before this office.

Respectfully,

Commissioner.

En. 971

Muskogee, Indian Territory, October 6, 1908.

P. L. Burlingame,

Attorney for James Relf,

Muskogee, Indian Territory.

Dear Sir:

At the conclusion of the testimony taken September 9, 1908, in the matter of the alleged application for the enrollment of James Relf, as a citizen of the Creek Nation, the case was at his request continued for twenty days.

No further evidence has been offered in said case.

You are hereby notified that he will be allowed fifteen days within which to appear before this office to submit such testimony as he may desire in said matter and in the event that no further evidence is offered, within the time specified, the case will be adjudicated upon the record now before this office.

Respectfully,

Commissioner.

Or En 971

Muskogee, Indian Territory, October 19, 1906.

James Relf,

Jones City, Oklahoma Territory.

Dear Sir:

This Office is in receipt of a letter from I. B. Jackson, Sapulpa, Indian Territory, in which it is stated that you have written him to request this Office that you be allowed sixty days from date within which to procure witnesses in the matter of your alleged application for enrollment as a citizen of the Creek Nation.

You are advised that in compliance with said request you will be allowed sixty days from date hereof for the purpose mentioned.

Respectfully,

Commissioner.

✓
Cr. No. 971

Muskogee, Indian Territory, October 19, 1905.

L. B. Jackson,

Sapulpa, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of October 14, 1905, in which you state that James Relf, of Jones City, Enrollment case No. 971, has stated to you that the fifteen days allowed him to submit evidence in the matter of his alleged application for enrollment as a citizen of the Creek Nation would be insufficient, and that he has written you to request this Office to extend the time sixty days in order that he may obtain certain witnesses.

You are advised that the applicant will be allowed sixty days from date for the purpose mentioned.

Respectfully,

Commissioner.

Gr. No. 971.

Washoe, Indian Territory. March 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of the proceedings in the matter of the application for the enrollment of James Relf, as a citizen of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated March 12, 1906.

Respectfully,

Through the Commissioner
of Indian Affairs.

Acting Commissioner,

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Gr. No. 971

Muskogee, Indian Territory. March 13, 1906.

M. L. Nott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of James Relf as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be known to you as soon as this office is informed of the same.

Respectfully,

Wm. O. Beall.

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Acting Commissioner.

Muskogee, Indian Territory, March 13, 1906.

James Relf,

Jones City, Oklahoma Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of your alleged application for enrollment as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Acting Commissioner.

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Muskogee, Indian Territory, March 13, 1906.

P. L. Burlingame,

Attorney for Applicant,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of James Relf, as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Acting Commissioner

I.F.D. 21022-1906.

OR.LIB.LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, October 24, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your order of March 12, 1906, dismissing the application of James Relf for enrollment as a citizen of the Creek Nation, on the ground that the evidence taken on a hearing had September 9, 1905, fails to establish that an application was made to the Commission to the Five Civilized Tribes for the enrollment of said James Relf as a citizen of the Creek Nation prior to or on September 1, 1904, on which date the rolls of the Creek Nation were closed by order dated June 13, 1904, of the Secretary of the Interior under authority in him vested by the act of Congress of March 3, 1901 (31 Stat., 1058), is hereby vacated and set aside, inasmuch as the appearance of James Relf before you on September 9, 1905, must be construed as an application made of that date.

In view of the act of Congress approved April 26, 1906 (34 Stat. 137), providing for the enrollment as a citizen of the Creek Nation where application therefore was made prior to December 1, 1905, the record in the case is remanded to you for a rehearing and readjudication under section 1 of the act of Congress approved April 26, 1906.

Respectfully,

H.A. Hitchcock,
Secretary.

Through the Commissioner
of Indian Affairs.
2 inclosure.

Cr.En.971.

Muskogee, Indian Territory, November 3, 1906.

James Relf,

Jones City, Oklahoma Territory.

Dear Sir:

The Department under date of October 24, 1906, vacated and set aside order of the Commissioner to the Five Civilized Tribes, dated March 12, 1906, dismissing the application for the enrollment of James Relf, as a citizen of the Creek Nation, and directed that said case be reopened for readjudication under the provisions of section 1 of the act of Congress approved April 26, 1906.

You are therefore notified that a hearing will be had as to the right to enrollment of James Relf, as a citizen of the Creek Nation, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, on Tuesday, November 20, 1906, at which time the testimony of such witnesses as you may desire to introduce will be taken in said matter.

Respectfully,

Register

Commissioner.

Cr. No. 971.

Muskogee, Indian Territory, November 5, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

The Department under date of October 24, 1906, vacated and set aside order of the Commissioner to the Five Civilized Tribes, dated March 12, 1906, dismissing the application for the enrollment of James Relf, as a citizen of the Creek Nation, and directed that said case be reopened for readjudication under the provisions of section 1 of the act of Congress approved April 26, 1906.

You are therefore notified that a hearing will be had as to the right to enrollment of James Relf, as a citizen of the Creek Nation, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, on Tuesday November 20, 1906, at which time the testimony of such witnesses as you may desire to introduce will be taken in said matter.

Respectfully,

Commissioner.

Gr. No. 971.

JWH

Muskogee, Indian Territory, February 11, 1907.

James Relf,

Jones City, Oklahoma.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Registered.

JWH 11-8

Gr. No. 971.

JUN

Muskogee, Indian Territory, February 12, 1907.

P. L. Burlingame,

Attorney for James Relf,

Muskogee, Indian Territory.

Dear Sir :—

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of James Relf, as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

JWH 11-9

Op. No. 972.

JWH

Muskogee, Indian Territory, February 11, 1907.

M. L. Nett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of James Relf as a citizen of the Creek Nation.

The decision, with a copy of the proceedings has in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

JWH 11-40

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

CH
LIB

I.T.D. 21522-1906.
6608-1907.

March 4, 1907.

LRS

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

February 11, 1907, you transmitted the record in the matter of the application for the enrollment of James Relf as a citizen of the Creek Nation, together with your decision of the same date, adverse to the applicant.

Reporting February 27, 1907 (Land 18378), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case and a carbon copy in hereof have been sent to the Indian Office.

Respectfully,

(Signed) M. A. Hitchcock,
Secretary.

1 inc. and 2 to Ind. Of.
WOF 3/4/07.

Refer in reply to the following:
Land 15378-1907.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 27, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of James Relf as a citizen of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes dated February 7, 1907.

The record shows that on September 2, 1906, James Relf appeared at the office of the Commissioner to the Five Civilized Tribes and submitted testimony in the matter of his alleged application for enrollment as a citizen by blood of the Creek Nation; that on March 12, 1906, the Commissioner to the Five Civilized Tribes rendered a decision dismissing the alleged application; and that on October 24, 1906 (I.T.D. 21042-1906) the record in this case was remanded by the Department, with instructions to conduct a further hearing in view of the provisions of Section 1 of the Act of April 26, 1906 (34 Stat. D. 137). In accordance therewith further proceedings were had on November 24, 1906.

The evidence shows that the applicant was about 36 years old at the time of the last proceedings herein referred to.

Commissioner Bixby reports that it does not appear from the records of his office that James Relf has ever been admitted to citizenship in the Creek Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes under the provisions of the Act of June 10, 1898 (30 Stat. L. 321), or the United States Court in Indian Territory on appeal, or that his name appears on any of the authenticated tribal rolls of the Creek Nation.

Therefore, by reason of the provisions of the Acts of June 20, 1898 (30 Stat. L. 495) and March 1, 1901 (31 Stat. L. 861) the Office concurs in the decision of Commissioner Bixby denying the enrollment of James Relf as a citizen of the Creek Nation.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

IRM. Ph.

Cr. No. 972.

Muskogee, Indian Territory, March 14, 1907.

James Relf,

Jones City, Oklahoma.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 11, 1907, denying your application for enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner.

JBN

Gr. No. 971.

Waskagee, Indian Territory, March 14, 1907.

P. L. Burlingame,

Attorney for James Holf,

~~Waskagee, Indian Territory.~~

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 11, 1907, denying the application for the enrollment of James Holf as a citizen of the Creek Nation.

Respectfully,

Commissioner.

JBM

CR EN 972

CR EN 972

7

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, MARCH 1, 1905.

-ooOoo-

In the matter of the application for the enrollment of
Annanias Barnett as a citizen by blood of the Creek Nation.

APPEARANCE: RUTHERFORD & CRAVEN, attorneys for applicants.
Office of Creek Attorney was communicated
with, by telephone, and the Commission
advised that he was not in.

SCIPIO BARNETT, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Scipio Barnett.
Q What is your age? A 30 years.
Q What is your postoffice address? A Weleetka.

August 31, 1904, affidavits relative to the birth
of Annanias Barnett were filed with the Commission and
same are considered as an application for the enrollment
of Annanias Barnett, and is made a part of the record
herein.

- Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you received your land? A Yes, sir.
Q Are you listed as a Freedman or an Indian? A I am on the
Indian Roll.
Q What is the name of your father? A Dick Barnett.
Q What is the name of your mother? A Elizabeth Barnett.

Scipio Barnett was listed on Creek Indian Card
Number 968, and his name is contained in the partial
list of Creek Indians by blood, approved by the Secretary
of the Interior March 13, 1902, Roll Number 3124.

- Q To what Creek Indian Town do you claim to belong? A Ketchapataka.
Q How much Indian blood do you claim to have? A About three
fourths I guess.
Q You are listed as one fourth? A I do not know how much.
Q Have you any colored blood? A My father is a colored man.
Q Just a plain Negro or colored man is he? A Yes, sir.
Q Was your mother a full blood Indian or one half? A Just one half.
Q Have you a child named Annanias Barnett? A Yes, sir.
Q Did you file an affidavit here in August 1904 about this
child's birth? A Yes, sir.
Q Is Annanias a girl or a boy? A Girl.
Q How do you make application for her enrollment? A Just like
I would be I suppose.
Q Your name appears on card as a Creek Indian by blood? A Yes, sir.
Q Who was the father of Annanias Barnett? A Me.
Q Who was her mother? A Patsy Barnett.
Q Is Patsy living? A No, sir.

Annanias Barnett.....#2.

- Q How long has she been dead? A She died in August, I think it was.
- Q What year? A I was not here, I was away when she died.
- Q Do you know the year? A Year before last.
- Q Was she a State woman? A Yes, sir.
- Q She did not have any rights either as a Creek Freedman or Indian by blood? A No, sir.
- Q Any rights this child has then come through you? A Yes, sir, comes through me.
- Q When was Annanias Barnett born? A In 1896.
- Q What month and what day? A October 4th.
- Q How many years ago was 1896? A Nine years ago.
- Q Is that child nine years old? A Yes, sir, this October coming.
- Q Is that child living? A Yes, sir.
- Q Is she here present--now? A No, sir, I did not bring her with me. Thought I would come and see if I could get her enrolled first.
- Q Was you present when she was born? A No, sir.
- Q Do you know anybody that was present? A Yes, sir.
- Q Who? A Mother and mid-woman.
- Q What was her name? A My mother's name is Elizabeth Barnett and the mid-woman's name is Jane Stephens.
- Q Anybody else? A No, that was all.
- Q How long after its birth before you saw it? A I saw it on Monday and it was born on Sunday.
- Q Were you married to the mother of th is child? A Yes, sir, but I had no licence. See, under Indian law none was needed.
- Q When were you married? A In '92, I believe it was.
- Q How long had you been married to her before you had this child? A Two years.
- Q How long had you been married to her at the time of her death? A I cannot tell; she did not stay with me then; she was staying at her fathers.
- Q You did not get a marriage licence? A No, sir, none was needed then.
- Q Did you ever have any other children by her? A No, sir. Just had one.
- Q How long did you live with her altogether? A I lived with her about two years, I know.
- Q More or less than two years? A Only two years, I think.
- Q Did you ever have any other children by her? A No, sir.
- Q Did you ever have any other children by any other woman? A Yes, I married another woman.
- Q When did you marry her? A Three or four years ago.
- Q Since Annanias mother's death? A Yes, sir.
- Q Did you ever have any other children by any other woman during your first wife's life time? A No, sir.
- Q Did she ever have any other children by any one else besides you? A Yes, sir.
- Q What is its name? A I do not know.
- Q How old is it? A I do not know that either.
- Q Do you know anybody that would know that child's name and age? A Yes, sir.
- Q Who? A A woman down here.
- Q What is her name? A Carter---I do not know her other name.
- Q Where does she live? A Here in Muskogee.
- Q Was there a Doctor present when your wife died? A I could not tell.
- Q You were not present when she died? A No, sir.
- Q Do you state positively that you are the father of this child, Annanias Barnett? A Yes, sir.
- Q Were you living with the mother of this child as much as one year before it was born? A Yes, sir.
- Q There was nobody living with her? A No, sir.
- Q How does it come, Mr. Barnett, that you have a child born in 1896, as you state, a child who is now eight or nine years old, and

Annianias Barnett....#3.

you never did a thing about having that child enrolled until August 29, 1904? A They said here that I could not.

Q Could you tell me the year any one on the Commission ever told you that you could not enroll that child? A I could not tell, but I have a letter at home.

Q Can you get that letter? A Yes, sir.

Q Have you ever gotten a letter from the Commission in the last three or four years telling you that you could not enroll that child? A No, sir.

Q Then why have you done nothing in that time? A Other people said I could not get her enrolled---- I mean, file.

Q Who? A My father.

Q Why? A Because her mother was not a citizen; she could not tell what she was.

Q Was that the reason, then, that you were told that because at one time the Commission was rejecting illegitimate children born of non-citizen mothers? A Yes, that is what I thought it was.

The applicant is advised that the Commission desires him to produce said child, Annianias Barnett, in person, and to have Jane Stephens and Elizabeth Barnett appear before the Commission, twenty days herefrom, for the purpose of being examined under oath.

Q Is there any record of the birth of this child? A No, sir.

Q Is the date of her birth written down anywhere in a book or on paper? A I do not think it is for I do not know of any, and I wrote to the Commission and they said that it could not be found anywhere, but the child's grandfather was a Cherokee.

Q You say her grandfather was a Cherokee--was any application ever made for the enrollment of Annianias Barnett as a Cherokee? A I think not.

Q Did you execute an affidavit along with Jane Stephens and Elizabeth Barnett in August, 1904, in which you stated that in December, 1894, you were married to Patsy Barnett (nee Patsy Martin) according to the laws and customs of the Creek Nation, and that you lived together as husband and wife until March, 1902, and that there was born a child which you called Annianias Barnett? A Yes, sir.

Q By whom was that made out? A Patterson.

Q Who signed that--did you? A Yes, sir.

Q What is stated therein is correct, is it not? A Yes, sir.

Q Are the dates correct? A Yes, sir.

Said affidavits are made a part of the record herein. On old Creek Census Card, Number 2383, are found the names of Elizabeth Barnett, mother of the witness, and Seipio Barnett, father of said child, Annianias Barnett, also the names of Austin, Dock, Polly, Sandy, Chilly and Annie. These are all the names on said card, and all appear as the children of Elizabeth Barnett. Said card was made in the year 1897 or 1898.

EXAMINATION BY R. R. CRAVEN:

Q You said here in this affidavit, signed by yourself together with Jane Stephens and Elizabeth Barnett, that you were married to Patsy Martin in Texas in 1894, and you and she lived together as husband and wife until March, 1902, is that statement correct? A Yes, sir.

Q How do you reconcile that with the statement you made a few moments ago when you stated that you lived with her about two years? A It appears that the statement was made out wrong then; I could not tell how long it was anyway.

Q You say in this affidavit that you lived with her in 1902, is

Annas Barnett.....4.

that correct? A I cannot tell what year but somewhere along about two years before the birth of that child---cannot tell whether it was 1902-3--or--4, but I lived with her two years before its birth.

Q How long did you live with her after the birth of this child? A I came on here right away after its birth.

Q Did you separate from your wife in the year 1902? A No, sir, I thought it was somewhere in 18--and something. In 1896 the child was born.

Q Then you separated sometime in 1896? A Yes, sir, it was about the latter part of 1896.

Q How long have you been married to your present wife? A This coming September it will be four years.

Q When you signed this affidavit did you understand that you were stating under oath that you lived with Patsy Barnett until 1902--three years ago? A I did not state in 1902.

Q Then the Notary Public was mistaken was he? A He must have been mistaken.

EXAMINATION BY COMMISSION:

Q Do you remember when the Dawes Commission had field parties going out and taking a sort of census of the Creek Nation in 1897 or '98? A Yes, I remember.

Q At that time they came and got the names of your mother and some children---name some of your brothers? A Austin, Dock, Chilly and Sandy.

Q Name some of your sisters? A Polly and Annie.

Q All of these names, including your own, are on an old card made by that party going around in 1897 or '98. Just as you give them they appear on the card and they appear as the children of Elizabeth Barnett, whom you state is your mother? Do you know why the name of this child was not put on? A We talked about it and they said they were not after colored at all, but they said they were after Indians---

Q They put you on the Indian Roll did they? A Yes, sir.

Q Is your child on there too? A I don't know---I guess so---she ought to be.

Q Are you certain that you mentioned that child's name at that time? A Yes, sir, and Mr. Scott told us that the child was all right.

Q What is this Mr. Scott's name? A Jim Scott.

Q Do you know how old this child was then? A I cannot tell.

Q Was it walking? A Yes, it was walking.

Q Do you remember that instance? A No, sir.

Q Was that child with you when Mr. Scott came around? A Let me see---child could not have been present if he was there in 1896.

Q Why could it not have been present? A Because the child was not born until 1896.

Q Does '96 come before '97? A '97 comes before '96.

Q Awhile ago you stated that you had some talk about that child? A I do not know what year.

Q You said that you remembered his coming around and that you talked about this child---now you say that it was not born---how do you explain that? A I cannot tell you.

EXAMINATION BY R. H. CRAVEN:

Q When you signed this affidavit did the Notary Public read it over to you? A It was signed by him.

Q Did he read it to you? A Yes, and he said it was all right.

Q Where has this child lived since her birth? A She is living with my mother now.

Q How long has she been living with your mother? A Ever since---I cannot tell.

Q How long after the birth of this child before her mother died?

A The child was about six or seven years old.

Annannias Barnett. #5.

- Q Did the child live with its mother until the time of her death?
A No, she left up there somewhere in '97 and sent for me to come and get the child and I went and took her up to mother.
Q You do not mean to say that '97 comes before '96? A No, I have looked into it and I can see now that 1896 comes before 1897.
Q In making out this affidavit you depended largely on the Notary Public, did you? A Yes, sir.

EXAMINATION BY COMMISSIONER

- Q Now that you remember 1896 comes before 1897 tell me why it is that you said this child could not have been present? A I had my mind confused.
Q You said the child could not have been present, why did you say that? A It was present.
Q Did Mr. Scott see it? A Yes, sir.
Q Did you ask you about it? A I asked him.
Q What did he tell you? A He said that they was enrolling colored---they was after Indians---that is what he told me.
Q Did you tell him it was not colored? A I told him that it was mine, but they were just after Indians. I put my name down on the card.
Q Have you any children enrolled here? A No, sir.
Q Have you ever had any children except this one? A Yes, one.
Q How old is it? A About three years old the 10th of this month.
Q That is by this other woman? A Yes, sir.
Q Are you married to that woman? A Yes, sir.
Q Did you get a marriage licence? A Yes, sir.
Q How long have you been married to her? A About four years.
Q We were married in 1900.
Q Do you remember how big a child Annannias was when you married this last woman? A It was about---(indicating about three feet and three inches).

Zera Ellen Parrish, being sworn on her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Subscribed and sworn to before me
this 9th day of March, 1905.

Zera Ellen Parrish

Edw. G. Giesed
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Annanias Barnett as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on August 31, 1904, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavit of Scipio Barnett relative to the birth of his minor child, Annanias Barnett, which said affidavit is considered as an application for the enrollment of said Annanias Barnett as a citizen by blood of the Creek Nation. Further proceedings were had March 1, 1905.

The evidence shows that said Annanias Barnett was born prior to April 1, 1899, and that she was living at the date of the last proceedings herein.

The evidence further shows that said Annanias Barnett is the minor child of Patsy Barnett, a non-citizen, and of Scipio Barnett, and that the name of said Scipio Barnett is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, opposite No. 3124.

It is, therefore ordered and adjudged that said Annanias Barnett is entitled to be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and the application for her enrollment as such is accordingly granted.


Commissioner.

Muskogee, Indian Territory.

NOV 14 1905

Wolcottka, Ind. Ter. Aug., 29th, 1904.

Commission to the Five Tribes,

Muskogee, Ind. Ter.

Gentlemen:-

I send to you the affidavits of the midwives who attended my wife when my daughter, Annanias Barnett was born. I do not fill out the blank for the mother of the child for the obvious reason that she is dead. In lieu of the mother's affidavit I send one sworn to by myself and the two midwives who attended my wife to the effect that she was recognized as my wife, that the child was born to us and that the mother is now dead. I trust that this will be all that is required by your commission. Should any thing further be necessary, inform me and I will furnish the desired information if in my power.

Yours very truly,

Scipio Barnett

En.972

Muskogee, Indian Territory, November 14, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Annanias Barnett, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been filed said Annanias Barnett, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

AG-972-1

Or En 972

Muskogee, Indian Territory, January 10, 1906.

Scipio Barnett,

Woleetka, Indian Territory.

Dear Sir:

You are hereby advised that the name of your minor child, Ammanias Barnett, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior January 4, 1906, and that application for a selection of land in the Creek Nation for said child may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

Or En 972

Muskogee, Indian Territory, January 10, 1906.

Cravens, Rutherford & Cravens,
Attorneys for Annanias Barnett,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the name of Annanias Barnett is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior January 4, 1906, and that application for a selection of land in the Creek Nation may now be made for said Annanias Barnett at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 973

CR EN 973

En973
COPY

SECRETARY'S OFFICE
DEPARTMENT OF THE INTERIOR LIB
WASHINGTON, D. C.

I.T.D. 1418-1906.

February 2, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 15, 1906, you transmitted the record in the matter of the application for the enrollment of David Doyle, deceased, as a citizen by blood of the Creek Nation.

Reporting January 24, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated January 12, 1906, is hereby affirmed.

Respectfully,

Thos Ryan
First Assistant Secretary

Y
Inclosure.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND:
5462-1906.

January 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 18, 1906, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation of David Doyle, deceased. January 12, 1906 the Commissioner decided adversely to the application.

The record shows that David Doyle was born September 15, 1898, and died January 2, 1900.

In view of the record and of Section 28 of the act of March 1, 1901 (31 Stats., 861), the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

MMK

C

Cr. En. 973.

Muskogee, Indian Territory, February 12, 1906.

Wallace Doyle,

Hitchites, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, February 2, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of David Doyle, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

Cr.En. 973.

Muskogee, Indian Territory, February 12, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that on February 8, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of David Doyle, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

Or En 973

Muskogee, Indian Territory, January 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings in the matter of the application for the enrollment of David Doyle, deceased, as a citizen by blood of the Creek Nation, including the order of the Commissioner to the Five Civilized Tribes, dated January 13, 1906.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

JYM-16-5

Or Ba 978

Kuskogee, Indian Territory, January 15, 1906.

M. L. Mott,

Attorney for the Creek Nation,
Kuskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the order of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of David Doyle, deceased, as a citizen by blood of the Creek Nation.

The order, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this Office is informed of the same.

Respectfully,

Commissioner.

JYM-15-2

Or En 978

Muskogee, Indian Territory, January 15, 1904.

Wallace Doyle,

Hitchita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the order of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of David Doyle, deceased, as a citizen by blood of the Creek Nation, dismissing said application.

The order, with a copy of the proceedings in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this Office is informed of the same.

Respectfully,

Commissioner.

JYM-15-1

In the matter of the application for the enrollment of David Doyle, deceased, as a citizen by blood of the Creek Nation.

O R D E R.

The record in this case shows that on May 9, 1900, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavit of Maud Doyle relative to the birth and death of her minor child, David Doyle, deceased, which said affidavit is considered as an application for the enrollment of said David Doyle, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had March 28, 1906.

It appearing from the affidavits and testimony in this case that the applicant, David Doyle, deceased, was born September 15, 1899 and that he died January 2, 1900, it is hereby ordered that the application for the enrollment of said David Doyle, deceased, as a citizen by blood of the Creek Nation be and the same is hereby dismissed.


Commissioner.

Muskogee, Indian Territory,

JAN 12 1906

CR EN 974

CR EN 974

Or DA-16.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 2, 1906.

In the matter of the application for the enrollment of Katie Brown as a citizen by blood of the Creek Nation.

(NO APPEARANCE)

Larry Brown, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Larry Brown.

An affidavit was filed on January 23, 1902, relative to the death of Katie Brown. Same is considered as an application for her enrollment as a citizen of the Creek Nation.

Q How old are you? A About 54.

Q What is your postoffice? A Olive.

Q 54 did you say? A 54.

Q Are you a citizen of the Creek Nation? A Yes sir.

Q Of what town? A Euchee.

Q You have got your land, have you? A Yes sir.

Q Did you know Katie Brown? A Yes sir.

Q Was she any relation to you? A Mother.

Q Is she living? A No sir; she died.

Q When did she die? A She died along a little before the Land Office opened; I don't know what date it was. She was known as Sohtie Agent; was married to a man named Agent (Refer to E-87).

Q Are you sure of that? A Yes sir.

Q You are positive that Katie Brown died before the Land Office opened? A Yes sir.

Q Do you know when the Land Office opened--can you state the year? A '99.

Q Did she die in that year or the year before that? A I don't know exactly.

Q Or whether it was late in the year or not? A No sir.

Q You don't know what kind of weather it was when she died? A Cold weather.

Q Do you know when Christmas comes? A Yes sir.

Q Did she die before Christmas? A After Christmas.

Q Very long after Christmas or a short while? A Not very long after Christmas.

Q You know New Year? A Yes sir.

Q Was it after New Year? A After New Year.

Q You made out an affidavit about the death of Katie Brown; in that you state she died November 17, 1899--is that correct? A They made it out that way; they told us that way; that was a good while after the opening of the Land Office.

Q Is that correct? A I guess so.

Q The papers show it? A I don't think it's correct.

Q It must be a mistake? A Yes sir.

Q You are positive she died before the Land Office opened? A Yes sir.

James Bigpond, being duly sworn, testified as follows (through S. W. Brown, sworn interpreter):

EXAMINATION BY THE COMMISSION:

Q What is your name? A James Bigpond.
Q How old are you? A Going on 46.
Q What is your postoffice address? A Depew.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q To what Town do you belong? A Eushee.
Q Did you know a woman belonging to that Town by the name of
Katie Brown? A Yes sir.
Q Is she living? A No.
Q When did she die? A As far as I can recollect, along in 1898.
Q Do you know when the Creek Land Office opened? A Yes sir.
Q Did she die before or after the Creek Land Office opened? A
Before.
Q Are you positive of that--sure of that? A Yes sir.
Q Were you present when she died? A I was there; I learned that
she died.
Q How soon after she was dead? A Right after.
Q Was she Larry Brown's mother? A Yes sir.
Q And she belonged to Eushee Town? A Yes sir.

Larry Brown was listed, on June 30, 1894, on Creek Indian card No. 614. A notation on that card gives his mother, "Katie Brown dead;" also Katie Brown appears on old census card 1908, with the word "dead" written in blue pencil after her name.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify upon oath that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed
before me this the
21 day of March,
1905.

Report of this case.

J. J. Miller.
Edward S. S.
Attorney Public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Katie Brown, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on January 25, 1902, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavit of Larry Brown, relative to the death of his mother, Katie Brown, which said affidavit is considered as an application for the enrollment of said Katie Brown, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had March 4, 1905.

The evidence shows that said Katie Brown, deceased, died prior to April 1, 1899.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Katie Brown, deceased, as a citizen by blood of the Creek Nation and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory,
NOV 14 1905


Commissioner.

Encl 74

Muskogee, Indian Territory, November 14, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Katie Brown, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated November 14, 1906.

Respectfully,

Commissioner.

AG-974-3

En 974

Muskogee, Indian Territory, November 14, 1905.

Larry Brown,

Olive, Indian Territory.

Dear Sir

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your mother, Katie Brown, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Edwin C. Carter

Commissioner.

AG-974-1

Mm.974

Muskogee, Indian Territory, November 14, 1908.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Katie Brown, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-974-2

No. 974

Refer in reply to the following:

COPY

Band
91984-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. January 13, 1906

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated November 14, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation of Katie Brown, deceased.

November 14, 1905, the Commissioner decided adversely to the application.

The record shows that Katie Brown died prior to April 1, 1899.

In view of the record and of the Act of March 1, 1901 (31 Stats., 861), the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

C.F. Larrabee
Acting Commissioner.

MMY
C

#974

DEPARTMENT OF THE INTERIOR,

WASHINGTON, D.C.

I.T.D.822-1906

IRS

January 22, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

November 14, 1905, you transmitted the record of the application for the enrollment of Katie Brown, deceased, as a citizen by blood of the Creek Nation, including your decision dated November 14, 1905, denying said application, on the ground that the evidence shows that said Katie Brown, deceased, died prior to April 1, 1899. January 13, 1906, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision denying said application be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision dated November 14, 1905, denying the application for the enrollment of Katie Brown, deceased, as a citizen by blood of the Creek Nation is hereby affirmed.

Respectfully,

Thos Ryan
First Assistant Secretary

1 inclosure

Muskogee, Indian Territory, February 3, 1906.

Larry Brown,

Olive, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 22, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Katie Brown, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

CR EN 975

CR EN 975

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MARCH 16, 1905.

-ooOoo-

In the matter of the application for the enrollment of
Beulah Pressley as a citizen of the Creek Nation.

MARY M. WILLIAMS, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Mary M. Williams, it was formerly Mary Pressley.
- A How old are you? A About 34.
- Q What is your postoffice address? A Catoosa.
- Q Did you have a child born to you by the name of Beulah Pressley? A Yes, sir.
- Q When was Beulah born? A January 22, 1901.
- Q How long did she live? A Just a month.
- Q When did she die? A February, 1901.
- Q There are on file with the Commission two affidavits relative to the dates of the birth and death of Beulah Pressley, and in one you stated that she was born December 22, 1900, and died February 22, 1901- now you state that she was born January 22, 1901, which is correct? A I don't know.
- Q Are you sure that your child was born in December 1900, or January 1901? A I have forgotten.
- Q Do you remember the year that it died? A It lived a month it seemed like to me.
- Q How long ago was that? A About four years ago.
- Q Did you know the dates of her birth and death at the time you made these affidavits? A No, I forgot.
- Q These affidavits were made on November 2, 1901, was Beulah dead then? A Yes.
- Q Do you remember how long before that she died? A I do not.
- Q Do you know the month that she died in? A Yes, February.
- Q Did Beulah die the same year in February? A Yes, sir.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Subscribed and sworn to
before me this 10 day
of March, 1905.

Zera Ellen Parrish

Edward S. Sweeney

Notary Public.

Or Bn 975

I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Beulah Pressley, deceased, as a citizen by blood of the Creek Nation.

.....DECISION.....

The record in this case shows that on April 4, 1903, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavit of Mary M. Williams relative to the birth and death of her minor child, Beulah Pressley, which said affidavit is considered as an application for the enrollment of said Beulah Pressley deceased, as a citizen by blood of the Creek Nation. Further proceedings were had March 16, 1905.

The evidence shows that said Beulah Pressley, deceased, was born subsequent to July 1, 1900, and that she died February 22, 1901.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Beulah Pressley, deceased, as a citizen by blood of the Creek Nation, and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory.

JAN 12 1906


Commissioner.

Cr. No. 975.

Muskogee, Indian Territory, January 13, 1906.

M. L. Nett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Reulah Pressley as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cr. Sn. 975.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 13, 1906.


Mary M. Williams,
Catoosa, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Beulah Pressley, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,



AG-2

Commissioner.

✓
Cr. No. 978

Muskogee, Indian Territory, January 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Boulah Pressley, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1906.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

AG-3

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 12, 1906.

LAND:

5460-1906.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 13, 1906 transmitting the record of the application for enrollment as a citizen by blood of the Creek nation of Beulah Pressley, deceased.

January 12, 1906, the Commissioner decided adversely to the application.

The record shows that Beulah Pressley was born subsequent to July 1, 1900 and died February 22, 1901.

In view of the record and of the Act of June 30, 1902 (32 Stats. 500), the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

MMH
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COPY

GEW

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LRS

February 23, 1906.

L.S.D. 2532-1906

LRS.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 13, 1906, you transmitted the record in the matter of the application for the enrollment of Beulah Pressley, deceased, as a citizen by blood of the Creek Nation.

Reporting February 12, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The record shows that Beulah Pressley was born subsequent to July 1, 1900, and died February 22, 1901.

The Department concurs in the recommendation of the Indian Office, and your decision dated January 12, 1906, is hereby affirmed.

Respectfully,

Thos Ryan,
First Assistant Secretary.

1 inclosure.

En. 975

Muskogee, Indian Territory, March 7, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of February 23, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1906, denying the application for the enrollment of Beulah Pressley as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

En. 975

Muskogee, Indian Territory, March 7, 1906.

Mary M. Williams,

Okatoosa, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 23, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1906, denying the application for the enrollment of your minor child, Beulah Presley, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

CR EN 976

CR EN 976

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 1, 1905.

In the matter of the application for the enrollment of
Homer Harjo (deceased) as a citizen by blood of the Creek Nation.

(The Creek Attorney was communicated with and he promised
to come over, but no appearance was made).

Homer Harjo, being duly sworn, testified as follows (through
Jesse McDermott, Official Interpreter):

EXAMINATION BY THE COMMISSION:

Q. What is your name? A. Homer Harjo.

Affidavits were filed with the Commission relative
to the birth and death of Homer Harjo, on March 29, 1901,
and July 1, 1903. Said affidavits are considered as ap-
plication for the enrollment of said Homer Harjo as a citi-
zen of the Creek Nation.

- Q. How old are you? A. Over 30 years old.
- Q. What is your postoffice address? A. Okmulgee.
- Q. Are you a citizen of the Creek Nation? A. Yes sir.
- Q. Have you got your land? A. Yes sir.
- Q. Did you have a child named Homer Harjo? A. Yes sir.
- Q. Is he living? A. No sir; he is dead.
- Q. How long did he live? A. Nearly four months.
- Q. When was he born? A. On the evening of 11th of December.
- Q. What year? A. I don't know what year.
- Q. Was it the year before the Creek treaty was ratified over there
at Okmulgee?--The Creek treaty was ratified in May; was it in
December before that? A. It was the December before the agreement
was ratified, before the last Creek treaty. It was the winter be-
fore the last Creek treaty.
- Q. When you say it was nearly four months old, you mean it did
not live as much as four months? A. The child was not four months
old.
- Q. The child did not live, then, until the treaty was ratified?
A. No sir.
- Q. You are positive of that, are you? A. Yes sir.
- Q. You made out an affidavit, Mr. Harjo, before Charles H. Sawyer,
in which you stated that Homer Harjo, your son, died about four
months after its birth--do you remember that? A. He recollects
making affidavit as to the age of the child.
- Q. What was the name of your wife? A. Mahala.
- Q. Is she living? A. No, sir; she is dead.
- Q. Do you remember when she died? A. I don't know.
- Q. Did she die before or after this child was born? A. Died after.
- Q. How long after this child was born before she died? A. Sometime
during that winter.
- Q. Was she the mother of Homer Harjo? A. Yes sir.

Homer Harjo-----2.



There is on file in the Creek Land Office an affidavit relative to the death of Mahala Harjo, in which it is stated that she died on March 7, 1901.

Q Are you the father of Homer Harjo? A Yes sir.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer, to the Commission to the Five Civilized Tribes, do hereby certify upon oath that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed
before me this 13
day of March, 1905.



Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Homer Harjo, deceased, as a citizen by blood of the Creek Nation.

.....ORDER.....

The record in this case shows that on March 29, 1901, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavit of Moser Harjo relative to the birth of his minor child, Homer Harjo, now deceased, which said affidavit is considered as an application for the enrollment of said Homer Harjo, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had March 1, 1905.

It appearing from the affidavits and testimony in this case that said Homer Harjo, deceased, was born December 11, 1900, and that he died prior to May 25, 1901, it is hereby ordered that the application for the enrollment of said Homer Harjo, deceased, as a citizen by blood of the Creek Nation be, and the same is hereby, dismissed.



Commissioner.

Muskogee, Indian Territory.

JAN 12 1906

Or Ma 976

Lawson, Indian Territory, January 15, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings in the matter of the application for the enrollment of Homer Harjo, deceased, as a citizen by blood of the Creek Nation, including the order of the Commissioner to the Five Civilized Tribes, dated January 12, 1906.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

JYM-15-6

Or Bu 976

~~Kuskogee, Indian Territory, January 12, 1906.~~

M. L. Mott,

Attorney for the Creek Nation,

Kuskogee, Indian Territory,

Sir:

There is herewith enclosed one copy of the order of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Homer Harjo, deceased, as a citizen by blood of the Creek Nation.

The order, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this Office is informed of the same.

Respectfully,

Commissioner.

JYM-16-5

7824

COPIES IN REPLY TO THE FOLLOWING:

Cr. En. 976

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 15, 1906.

Moser Harjo,

Okmulgee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the order of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Homer Harjo, deceased, as a citizen by blood of the Creek Nation, dismissing said application.

The order, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this Office is informed of the same.

Respectfully,



Commissioner.

JYM-15-4

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LANDS:
5456-1906.

February 12, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 18, 1906, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation of Homer Harjo, deceased.

January 12, 1906, the Commissioner decided adversely to the application.

The record shows that Homer Harjo was born December 11, 1900, and died prior to May 28, 1901.

In view of the record and of the Act of June 30, 1902 (32 Stats. 500), the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

C. E. Larrabee,

Acting Commissioner.

ENC.
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COPY
DEPARTMENT OF THE INTERIOR, LLS
WASHINGTON/

JP

I. T. D. 2542-1906.

February 17, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

January 15, 1906, you transmitted the record in the matter of the application for the enrollment of Homer Harjo, deceased, as a citizen by blood of the Creek Nation.

Reporting February 12, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated January 12, 1906, is hereby affirmed.

Respectfully,

Thos Ryan
First Assistant Secretary.

1 inclosure.

Cr. Ea. 976.

Muskogee, Indian Territory, February 28, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:-

You are hereby advised that on February 17, 1906, the Secretary of the Interior affirmed the order of the Commissioner to the Five Civilized Tribes dismissing the application for the enrollment of Homer Harjo, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

West

COPIED IN REPLY TO THE FOLLOWING

Gr. No. 976.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 28, 1906.

Homer Harjo,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that on February 17, 1906, the Secretary of the Interior affirmed the order of the commissioner to the Five Civilized Tribes dismissing the application for the enrollment of Homer Harjo, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

W. O. Beane

Acting Commissioner.

CR

EN 977

CR EN 977

2433 B.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
April 17, 1905, Bristow, I.T.

In the matter of the application for the enrollment of
Yew-kon-ko-ca- Barnett as a citizen by blood of the Creek Nation.

Whiteman Littlehead, being duly sworn, by E.C.Griesel, notary
public testified as follows: Through official interpreter T.W.Flynn.

By Commission:

- Q What is your name? A Whiteman Littlehead.
Q How old are you? A About 25.
Q What is your post office? A Bristow.
Q You are a citizen of the Creek Nation, are you? A Yes sir.
Q What town do you belong to? A Euchee.
Q What is the name of your wife? A Yarlawee Littlehead.
Q Is she a citizen of the Creek Nation? A Yes sir.
Q Is she a Euchee? A Yes sir.
Q Is she the mother of Yew-kon-ko-ca Barnett? A Yes sir.
Q Who was the father of that child? A Pompey Barnett.
Q Is he a citizen of the Creek Nation? A Yes sir.
Q Is that child dead? A Yes, it died.
Q When did that child die? A I don't know when it died.
Q Do you know when that child was born? A No sir.

Mother present but refuses to be sworn; afraid of her
father, who is said to be a Snake Indian.

-----oOo-----

T.W.Flynn, being duly by E.C.Griesel, Notary Public, testified
as follows:

By Commission:

- Q What is your name? A T.W.Flynn.
Q How old are you? A About 45.
Q What is your post office? A Bristow.
Q The mother told you that this child was born in March, 1901? And she
told you that it lived about a month? A Yes, about a month.

E.C.Griesel being duly sworn, on oath state that the above
and foregoing is a true and complete transcript of his stenographic
notes as taken in said cause on said date.

Subscribed and sworn to before me this 5 day of May, 1905.

E.C. Griesel

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Bristow, I. T., July 13, 1906.

In the matter of the application for the enrollment of Yew-con-co-ca as a citizen by blood of the Creek Nation.

Yar-la-wee, being duly sworn, testified as follows:

Through Jesse Allen Official (Euche) Interpreter:

BY COMMISSIONER:

- Q What is your name? A yarla-wee.
Q How old are you? A I do not know.

~~Grand Juror~~

Witness appears to be about twenty-five years of age.

- Q What is your post office address? A Bristow.
Q Did you have a child named Yew-con-co-ca? A Yes, sir.
Q When was that child born? A I never kept no date and I don't know.
Q About how old was it when it died? A She was not quite a year old when she died.
Q Do you know in what month it was born? A (The husband of the witness refuses to allow her to answer further questions.)
Q In what month did the child die? A About June.

STOG-NO-LON-NIE, being duly sworn, testified as follows:

Through Jesse Allen Official (Euche) Interpreter:

BY COMMISSIONER:

- Q What is your name? He answer.
Q Is Stog-ne-lon-nie your name? A Yes, sir.
Q How old are you? A I might be about a hundred.

Witness appears to be about sixty years of age.

- Q What is your post office address? A Bristow.
Q When was Yew-con-co-ca born? A He was born early in the Spring, about February.
Q How long did he live? No answer.

Yar-la-we recalled:

BY COMMISSIONER:

- Q Yar-la-wee and Stog-ne-lon-nie executed an affidavit stating that the child died the 20th day of February, 1901. Was that child born in that month or did it die in that month? A It was born in the early Spring and lived about one month.
Q Did it die before Big Spring month? A It died in Big Spring month.

Stog-ne-lon-nie recalled:

BY COMMISSIONER:

- Q Were you the mid-wife at the birth of this child? A Yes, sir.
Q Do you remember in what month that child was born? A It was born in the early Spring when the onions were just coming up.

D.A. 130.---2.

Q How long did the child live? A It died the next month after it was born.

Q Yar-la-wee says it died in Big Spring month. Is that correct? A Yes, sir, that is about right.

Q Do you remember of going with Albert Skaggs before a notary public named Flynn and making out an affidavit about the death of this child? A I think it has been about three years ago that I made that affidavit.

Q How long had the child been dead at the time you made that affidavit? A It was the winter after the child died.

Q Was it as much as a year after the child was born that you made this affidavit? A Yes, sir, I guess it was pretty near a year. It was along towards Spring that we fixed the papers.

-----;0:-----

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 31 day of July, 1903.

J. M. Dermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Yew-con-co-ka, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on April 4, 1902, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavit of Yar-la-wee relative to the death of her minor child, Yew-con-co-ka, which said affidavit is considered as an application for the enrollment of said Yew-con-co-ka, deceased, as a citizen by blood of the Creek Nation.

The evidence shows that said Yew-con-co-ka, deceased, was born in the month of February, 1901, and that she died prior to May 25, 1901.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Yew-con-co-ka, deceased, as a citizen by blood of the Creek Nation, and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory,

NOV 11 1905



Commissioner.

8863

D. C. 130.

Muskogee, Indian Territory, February 1, 1904.

Yar-la-wee,

Bristow, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the death of your child, Yew-con-co-ka, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the death of said child, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 15, 1906.

Yar-la-wee (or Yar-la-wee Barnett).

Bristow, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of February 8, in which you ask to be advised if you may be allowed to file evidence relative to the death of your child, Yew-con-ee-ka.

February 1, 1904, you were advised that there is on file with the Commission an affidavit executed by you relative to the death of said child, and that it was desired that further evidence be submitted in this case.

You are again advised that you are required to appear before the Commission, at its office, in Muskogee, Indian Territory, with two witnesses, who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

Register.

En. 977

~~Muskogee, Indian Territory, November 14, 1905.~~

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Yew-con-so-ka deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated November 11, 1905.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

AG-977

En.977

Muskogee, Indian Territory, November 13, 1906.

Yar-la-wee Littlehead,
Bristow, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Yew-con-co-ka, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

En.977

En.977

Muskogee, Indian Territory, November 13, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Yew-con-ooka, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

977-2

#977

GR

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D. 824-1906.

February 28, 1906

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

November 14, 1905, you transmitted the record of the application of Yar-la-wee for the enrollment of her deceased minor child, Yew-con-co-ka, as a citizen by blood of the Creek Nation, including your decision dated November 11, 1905, denying said application.

January 13, 1906, the Acting Commissioner of Indian Affairs, reporting thereon, recommended that your decision denying said application be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made, and your decision dated November 11, 1905, denying the application of Yar-la-wee for the enrollment of her deceased infant child, Yew-con-co-ka, as a citizen by blood of the Creek Nation is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

1 inclosure.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND:
91986-1905

January 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated November 14, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation of Yew-con-co-ka, deceased.

November 11, 1905, the Commissioner decided adversely to the application.

The record shows that Yew-con-co-ka was born in the month of February 1901, and died prior to May 25, 1901.

In view of the record and of the Act of March 1, 1901 (31 Stat s., 861), the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

C. F. Larabee

Acting Commissioner.

1000

C

En.977

Muskogee, Indian Territory, March 12, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated November 11, 1905, denying the application for the enrollment of Yew-con-co-ka, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

Bn.977

Muskogee, Indian Territory, March 12, 1906.

Yarlawee Littlehead,

Care Whiteman Littlehead,

Bristow, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated November 11, 1905, denying the application for the enrollment of Yew-con-ee-ka, your deceased minor child, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

CR EN 978

CR EN 978

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
April 21, 1905, Bristow. I.T.

In the matter of the application for the enrollment of
Henry Ellis, deceased, as a citizen by blood of the Creek Nation.

Hannah Ellis Mann, being duly sworn, by E.C.Griesel, a
Notary Public, testified as follows:

By Commission:

- Q What is your name? A Hannah Ellis Mann.
Q What is your age? A About 37.
Q What is your post office? A Bristow.
Q You are the mother of Henry Ellis, are you? A Yes.
Q Who is the father of that child? A James Ellis.
Q Is James Ellis living? A No, sir he is dead.
Q When did he die? A In 1901.
Q Is he a citizen of the Creek Nation? A No sir.
Q He was a State man, was he? A Yes, sir.
Q When was Henry Ellis born? A About the first of March, 1900.
Q When did he die? A He died the same date on which he was born.
Q What makes you think he was born on the first day of March, 1900?
A It was in March when he was born.
Q How do you remember the year? A Because I know that year.
Q Did you make a record of it? A My step-father did, but he lost
it, but I know what year it was that he was born in.
Q How old would he be now, if he were living? A I don't know what
it would be but he would be four or five years old if he were living.
Q Who was present at the birth of that child? A My stepfather and
mother.
Q Was your mother the midwife in this case? A Yes.
Q You say the record was lost? A yes.

-----oOo-----

Sallie Knoll, being duly sworn, by E.C.Griesel, a Notary Public,
testified as follows:

By Commission:

- Q What is your name? A Sallie Knoll.
Q How old are you? A I could not tell my age, my mother did not
put down my age and I don't know.
Q About how old are you? A About 50.
Q You are the mother of Hannah Mann? A Yes, sir.
Q You were present at the birth of that child, Henry Ellis? A Yes.
Q When was that child born? A About the first of March.
Q What year? A (Prompted by Hannah Mann).
Q You do not remember the year, do you? A No sir, I don't remember.
Q How old was that child when it died? A It did not live long
after it was born?
Q How long did it live after it was born? A About two hours.

Frank Knoll, being duly sworn, by E.C. Griesel, a Notary Public, testified as follows:

By Commission:

- Q What is your name? A Frank Knoll.
Q What is your age? A 39.
Q What is your post office? A Bristow.
Q What relation to this child, Henry Ellis, deceased?
A It was my grandson I guess.
Q Do you know when that child was born? A About the first part of March, 1900.
Q How do you remember that? A It was the same year that they had the soldiers reunion in Bristow five years ago.
Q When did they hold that reunion? A On the 4th day of August, 1900.
Q That was the same day of the Colored Picnic? A Yes, they moved the colored picnic and we had one over there.
Q Did you make a record of the birth of this child? A I had one but it got misplaced, and I can't find it.
Q How long did that child live? A About a couple of hours.
Q How do you fix the month as March, couldn't it have been as late as April or May? A Because we were plowing for corn, we don't usually plow in April or May, I also made the coffin and buried the child myself.

E.C. Griesel, being duly sworn, on his oath, states that the above and foregoing is a true and correct transcript of his stenographic notes as taken in said cause on said date.

E. C. Griesel

Subscribed and sworn to before me this 5 day of May, 1905.

Zera C. Parrish
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

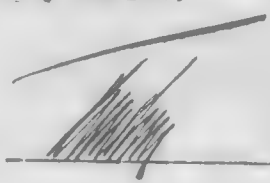
In the matter of the application for the enrollment of Henry Ellis, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on August 30, 1901, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavit of Hannah Ellis relative to the death of her minor child, Henry Ellis, which said affidavit is considered as an application for the enrollment of said Henry Ellis, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had April 21, 1905.

The evidence shows that said Henry Ellis, deceased, was born in the month of March, 1900, and that he died a few hours after birth.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Henry Ellis, deceased, as a citizen by blood of the Creek Nation, and the application for his enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,
NOV 14 1905

IN RE

Application for Enrollment of

INFANT CHILD

Henry Ellis

as a citizen of

Cauk

Nation.

Approved, 190

*Commissioner.*DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

Dec 7 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Henry Ellis (Here insert name of child), born on the 28 day of June, 1900

Name of Father: James Ellis, a citizen of the M. S. Nation.

Name of Mother: Hannah Ellis, a citizen of the Creek Nation.

Post-office, Mallon Oida

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, Hannah Ellis, on oath state that I am 32
years of age and a citizen, by Blood, of the Creek Nation;
that I am the lawful wife of James Ellis, who is a citizen, by
of the M. S. Nation, that a male child was
(male or female)
born to me on the 28th day of June, 1900; that said child has been
named Henry Ellis, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

Thomas Dayden
E. W. Sims

Hannah Ellis X her
mark

Subscribed and sworn to before me this 4th day of December, 1901.

J. W. Flynn

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, Sallie Knoll, a Nurse, on oath state that I
attended on Mrs. Hannah Ellis, wife of James Ellis,
on the 28th day of June, 1900; that there was born to her on
said date a male child; that said child is now living and is said to have been
(male or female)
named Henry Ellis.

WITNESSES TO MARK

(Must be Two
Witnesses)

E. W. Sims
Thomas Dayden

Sallie Knoll X her
mark

Subscribed and sworn to before me this 4th day of December, 1901.

J. W. Flynn

NOTARY PUBLIC.

30 11/11/1340

111

IN RE
THE DEATH OF

Henry Ellis
a citizen of the

Nation.

Approved

1

Commissioner.

Worn Jan 15 1910
Burt Sept 17 1910

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

Aug 30 1901

8/30.01
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Henry Ellis
(Here insert name of deceased.)
 a citizen of the Creek Nation, who formerly resided at or near
Bristow , Ind. Ter., and died on the 12 day of September,
(Here insert name of post office.)
1900

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY.

Northern District.)

I, James Ellis on oath state that I am 40
 years of age and a citizen, by Marriage of the Creek Nation;
 that my post office address is Bristow , Ind. Ter.; that I am
Father of Henry Ellis
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by Birth of the Creek Nation;
 and that said Henry Ellis died on the 12 day of
September, 1900
(Here insert name of deceased.)

WITNESSES TO SIGN:
 (Must be Two Witnesses.) } Thomas Johnson
A. R. Craig

Subscribed and sworn to before me this 23 day of August 1901.
J. W. Flynn
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY.

District.)

I, Frank Knoll , on oath state that I am 35
 years of age, and a citizen, by Marriage of the Creek Nation;
 that my post office address is Bristow , Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with Henry Ellis
(Here insert name of deceased.)
 who was a citizen, by Birth of the Creek Nation;
 and that said Henry Ellis died on the 12 day of
September, 1900
(Here insert name of deceased.)

WITNESSES TO SIGN:
 (Must be Two Witnesses.) } W. O. Sims
Frank Ford

Subscribed and sworn to before me this 26th day of August 1901.
J. W. Flynn
 Notary Public.

889
B. A. 42.

Muskogee, Indian Territory, September 29, 1903.

Hannah Ellis,

Bristow, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits executed by you relative the birth and death of your minor child, Henry Ellis, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further testimony be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

En.978

Muskogee, Indian Territory, November 14, 1905.

Hannah Ellis Mann,
Bristow, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Henry Ellis, deceased, as a citizen by blood of the Creek Nation. *deceased etc.*

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-978-1

En.978

Muskogee, Indian Territory, November 14, 1905.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Henry Ellis, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-978-2

Gr. No. 976

Muskogee, Indian Territory, November 14, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Henry Ellis, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated November 14, 1905.

Respectfully,

Commissioner.

AG-976-3

978

COPY

SECRETARY'S OFFICE
DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.

LLB

January 30, 1906.

~~Letter~~
I.T.D.702-1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory/

Sir:

November 14, 1905, you transmitted the record in the matter of the application for the enrollment of Henry Ellis, deceased, as a citizen by blood of the Creek Nation.

Reporting January 12, 1906, the Indian Office recommended that your decision, adverse to the applicant be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated November 14, 1905, is hereby affirmed.

Respectfully,

Thos Ryan
First Assistant Secretary.

1 inclosure.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

LAND:
91987-1905.

January 12, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated November 14, 1905, transmitting the record of the application for ~~the~~ enrollment as a citizen by blood of the Creek Nation of Henry Ellis, deceased.

November 14, 1905, the Commissioner decided adversely to the application.

The record shows that Henry Ellis was born in the month of March 1900 and died a few hours after birth.

In view of the record and of the act of March 1, 1901 (31 Stats. 861), the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

C. F. LaRabee,

Acting Commissioner.

~~1905~~

C

Cr.En. 978.

Muskegee, Indian Territory, February 7, 1906.

Hannah Ellis Mann,
Bristow, Indian Territory.

Dear Madam:

You are hereby advised that on January 30, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of your deceased minor child, Henry Ellis, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

Cr.En. 978.

Muskogee, Indian Territory, February 7, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:-

You are hereby advised that on January 30, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Henry Ellis, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

CR EN 979

CR
EN 979

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Roy Robinson as a Creek freedman.

D E C I S I O N.

The record in this case shows that on August 20, 1904, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the application of Willa Robinson for the enrollment of her minor child, Roy Robinson, as a Creek freedman.

The evidence shows that said Roy Robinson was born May 25, 1901 and that he was living at the date of the application herein.

The evidence further shows that said Roy Robinson is the minor child of Eddie Robinson, and an examination of the records of this office shows that the name of said Eddie Robinson is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 13, 1902, roll No. 369.

It is, therefore, ordered and adjudged that said Roy Robinson is entitled to be enrolled as a Creek freedman in accordance with the provisions of the act of Congress approved June 30, 1902 (32 Stats., 500), and the application for his enrollment as such is accordingly granted.



Commissioner.

Muskogee, Indian Territory,

JAN 12 1906

C. T. D. 15.

217

IN RE
Application for Enrollment of
INFANT CHILD

Roy Robinson

as a citizen of

Crack

Nation.

Approved

190

Commissioner.

NEW BORN

C. T. D. # 380

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Roy Robinson (Here insert name of child), born on the 25th day of May, 1901
Name of Father: Eddie Robinson a citizen of the Creek Nation.
Name of Mother: Willa Robinson a citizen of the United States
Postoffice: Shurietta, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Western DISTRICT.

I, Willa Robinson, on oath state that I am 23
years of age and a citizen by of the United States Nation;
that I am the lawful wife of Eddie Robinson, who is a citizen, by
adoption, of the Creek Nation; that a male child was
(Male or Female.)
born to me on 25th day of May, 1901; that said child has been named
Roy Robinson, and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two
Witnesses.)Subscribed and sworn to before me this 19 day of Sept, 1905.

My Com expires Aug 30 1906 Chas. W. Maccham
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Western DISTRICT.

I, Hannah Robinson, mid-wife, on oath state that I
attended on Mrs. Willa Robinson, wife of Eddie Robinson
on the 25th day of May, 1901; that there was born to her on said date a male
(Male or Female.)
child; that said child was living March 4, 1905, and is said to have been named Roy Robinson.

WITNESSES TO MARK:

(Must be Two
Witnesses.)Subscribed and sworn to before me this 19 day of Sept, 1905.

My Com expires Aug 30 1906 Chas. W. Maccham
Notary Public.

IN RE
Application for Enrollment of
INFANT CHILD

Roy Robinson

as a citizen of

Creek

Nation.

Approved 190

Commissioner.

NEW BORN *Cr Tr # 34*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Roy Robinson (Here insert name of child), born on the 25th day of May, 1901
Name of Father: Eddie Robinson a citizen of the Creek Nation.
Name of Mother: Hilla Robinson a citizen of the U. S. Nation.
Postoffice Henryetta, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Western

DISTRICT.

I, Eddie Robinson, on oath state that I am 24
years of age and a citizen by adoption, of the Creek Nation;
that I am the lawful wife of husband of Hilla Robinson, who is a citizen by
of the United States Nation; that a male child was
(Male or Female.)
born to me on 25th day of May, 1901; that said child has been named
Roy Robinson, and was living March 4, 1905.

WITNESSES TO MARK:

Eddie Robinson

(Must be Two Witnesses.)

Subscribed and sworn to before me this 19 day of Sept, 1905.

My Com. Expires Aug 30 1906 Chas W Maccham
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

DISTRICT.

I, _____, on oath state that I
attended on Mrs. _____, wife of _____
on the _____ day of _____, 1905; that there was born to her on said date a
(Male or Female.)
child; that said child was living March 4, 1905, and is said to have been named _____

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this _____ day of _____, 1905.

Notary Public.

Father Fr 369

70134

380

217

IN RE 1067

Application for Enrollment of
INFANT CHILD

Roy Robinson

as a citizen of

Cruck

Nation.

Approved _____ 190

Commissioner.

MAR 24 1905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Roy Roberson, born on the 25 day of May, 1902,
Name of Father: Eddie Roberson a citizen of the Creek Nation.
Name of Mother: Willa Roberson a citizen of the United States
Postoffice Henryetta, Ind. Terr.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Western DISTRICT.

I, Willa Roberson, on oath state that I am 23
years of age and a citizen by adoption, of the United States Nation;

that I am the lawful wife of Eddie Roberson, who is a citizen, by
adoption, of the Creek Nation; that a male child was
(Male or Female.)

born to me on 25 day of May, 1902 that said child has been named
Roy Roberson, and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two)
Witnesses. { E. C. Shagge
Alex. P. Ray

Subscribed and sworn to before me this 20 day of March, 1905.

Ernest C. Shagge
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Western DISTRICT.

I, Hannah Roberson, a midwife, on oath state that I
attended on Mrs. Willa Roberson, wife of Eddie Roberson

May; that there was born to her on said date a male
(Male or Female.)
child; that said child was living March 4, 1905, and is said to have been named Roy Roberson

WITNESSES TO MARK:

(Must be Two)
Witnesses. { Alex. P. Ray
E. C. Shagge

Subscribed and sworn to before me this 22 day of March, 1905.

Ernest C. Shagge
Notary Public.

215

20

IN RE

Application for Enrollment of

INFANT CHILD
Roy Robinson
as a citizen of
Creek

Nation.

Approved

190

Commissioner.

Factor ...

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 30 1904

[Handwritten signature/initials]

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Seesepk Nation,
of Roy Robinson, born on the 25 day of May, 1901
(Here insert name of child)

Name of Father: Eddie Robinson a citizen of the Seesepk Nation.

Name of Mother: Willie Robinson a citizen of the Seesepk Nation.

Post-office Henryetta I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

Western INDIAN TERRITORY,
District.

I, Willie Robinson, on oath state that I am 22
years of age and a citizen, by Adoption (Friedman), of the Seesepk Nation;
that I am the lawful wife of Eddie Robinson, who is a citizen, by
Adoption (Friedman), of the Seesepk Nation; that a Male child was
(Male or female)
born to me on 25 day of May, 1901; that said child has been named
Roy Robinson, and is now living.

WITNESSES TO MARK:

Willie Robinson

Must be Two
Witnesses.

Subscribed and sworn to before me this 17 day of Aug, 1904.

My com expires Aug 30 1905 Ohio W. Maclean

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,

Western INDIAN TERRITORY,
District.

I, Hannah Robinson, a Midwife, on oath state that I at-
tended on Mrs. Willie Robinson, wife of Eddie Robinson
on the 25 day of May, 1901; that there was born to her on said
date a Male child; that said child is now living and is said to have been named
(MALE OR FEMALE)

Roy Robinson

WITNESSES TO MARK:

Hannah Robinson

Must be Two
Witnesses.

Subscribed and sworn to before me this 17 day of Aug, 1904.

My com expires Aug 30 1906 Ohio W. Maclean

NOTARY PUBLIC.

I Ohio W Maclean Notary Public do. State that all persons herein named are competent to sign.

J. J. B.

B. A. 215

Muskogee, Indian Territory, November 19, 1904.

Willer Robinson,

Henrietta, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit relative to the birth of your child, Roy Robinson, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. Further evidence is required in this case.

You are required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

Register.

Muskogee, Indian Territory, September 15, 1906

Willa Robinson,

c/o Eddie Robinson,

Henryetta, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child, Roy Robinson, as a Creek freedman there are affidavits on file in this office in which the date of his birth appears as May 25, 1902 and May 25, 1901. Your surname and the surname of said child appears in said affidavits as Roberson while the father of said child is identified upon the final roll of Creek freedmen as Eddie Robinson. Your surname also appears as Roberson in the affidavits relative to the birth of your minor daughter Hettie Robinson.

It is necessary that this office be supplied with affidavits correcting the above discrepancies and for that purpose blanks, which have been partially filled out are inclosed herewith. You will notice that in the affidavits which are inclosed, relative to the birth of Roy Robinson, the year of his birth is left blank. You are requested to fill in the same taking care this time to give the correct date of the birth of said child. After these affidavits have

W R -2.

been sworn to return the same to this office in the inclosed envelope. Be careful to see that the notary public, before whom the affidavits are sworn to, attaches his name and seal to each affidavit. In case any signature is by mark the same must be attested by two disinterested witnesses.

Respectfully,

Acting Commissioner.

CTD-15.
env.

Muskogee, Indian Territory, January 13, 1906.

M. L. Hott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Roy Robinson as a Creek Freedman.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of said Roy Robinson, and if, at the expiration of said time, no protest has been filed, said Roy Robinson will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Commissioner.

JYM-13-4

E 979

Muskogee, Indian Territory, May 3, 1906.

Eddie Roberson,

Weleetka, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of April 27, 1906, in which you ask why you have not been notified to file for your minor child, Roy Roberson, in the Creek Nation.

You are advised that there is on file in this office an affidavit, executed March 24, 1905, from which it appears that said child was born May 25, 1901.

You are further advised that this office requires proof as to whether said child was living March 4, 1906.

Respectfully,

Commissioner.

Cr.En 979.

Muskogee, Indian Territory, June 25, 1906.

Willer Robinson,

Care of Eddie Robinson,

Henryetta, Indian Territory.

Dear Madam:

You are hereby advised that the name of your minor child, Roy Robinson, is contained in the partial list of Freedmen of the Creek Nation, approved by the Secretary of the Interior, June 16, 1906, and that a selection of land in the Creek Nation may now be made for him, at the Creek Land Office at Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,

Commissioner.

CR EN 980

Missing

1-6-41

M.L.

CR EN 980

CR EN 981

CR EN 981

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, September 28, 1905.

In the matter of the alleged application for the enrollment of Peggy McCoy as a Creek freedman.

A.G.W.Sango appeared as attorney for applicant.

Peggy McCoy, being duly sworn, testified as follows:

Q What is your name? A Peggy McCoy, it was Herrod before I was married.

Q What is your age? A 26

Q What is your post office? A Hufaula.

Q Did you ever make application for enrollment as a citizen of the Creek Nation? A I haven't but my uncle has

Q You mean your uncle made application for your enrollment?

A At the same time he did for himself and his children.

Q What is his name? A Billy Barnett.

Q Is he enrolled? A Yes, sir

Q Has he gotten his land? A Yes, sir

Q Did he make application for your enrollment to the Commission to the Five Civilized Tribes? A I couldn't tell you that.

Q How long ago was it he made application? A It was when I was small, I was something like five or six years old.

Q As I understand you he made application at one time to the Creek authorities to have you enrolled as a Creek is that right? A Yes, sir

Q Did he ever after that make application to this Commission?

A He told me he spoke to Mr Bixby about it.

Q How long ago was that? A Late fall

Q What time? A Long about the time Mr. Bixby was making so many trips to St. Louis.

Q Do you know when that was? A In the fall or winter.

Q Was it in the last part of the winter or late in the fall?

A Late in the fall.

Q Do you know when Thanksgiving comes? A Yes, sir

Q Was it as late as that? A I think it was later, a little later. I dont remember just what time it was.

Q Was that the first time any one made application to the

Commission for your enrollment? A I dont know whether it was or no

Q Did any one ever tell you they had made application to this Commission before that time? A No, sir

By A.G.W.Sango attorney for applicant.

Q Didn't your uncle tell you he made application for your enrollment at the time he did for himself? A Yes, sir

Q Do you remember how long ago that is? A No, sir

Q Where have you always lived? A Lived with my uncle till I was married.

Q How long since he told you he had made application for your enrollment? A First you mean?

Q Yes? A I dont remember, it has been a good while ago.

By Commission

Q Do you mean he made application to the Commission to the Five Civilized Tribes for your enrollment at the same time he did for himself? A Yes, sir

Billy Barnett, being duly sworn, testified as follows:

Q What is your name? A Billy Barnett.

Q What is your age? A About 55

Q What is your post office? A Eufaula

Witness is identified as Billy Barnett on Creek freedman card field No. 356 and his name is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 13, 1902 roll No. 1389.

Q Do you know Polly McCoy? A Yes, sir

Q Is she related to you? A Yes, sir She is my niece.

Q Where does she live? A Down at Eufaula.

Q How long has she lived there? A I dont know exactly, about a year or two.

Q Where did she come from to Eufaula? A From the Choctaw Nation

Q Has she lived in the Choctaw Nation all her life? A She was quite a girl when she left the Creek Nation and went to the Choctaw

Q Did you ever appear before this Commission and make application for her enrollment? A I tried to, yes

Q When was that? A At the time I was enrolled and my children.. I dont know exactly at a rough guess I would say 2 or 3 years ago

Q State all that you did on that occasion, when you attempted to make application? A Well I was enrolling my children and I asked the Commission to enroll Peggy, she was married then and I thought they had enrolled her and I didn't find out any different until she came down and asked the Commission.

Q Where was the Commission at the time you asked them to enroll Peggy? A It was up here, they move around so much I dont remember whether it was this same house or not. Seems to me like it was in that other room.

Q What did they tell you about it, did they say they would or would not enroll her? A They didn't say what they would do about it.

Q Where was she living in 1897 and 1898? A I dont know exactly

Q Do you know where she was living when you asked to have her enrolled? A In the Choctaw Nation

Q Why didn't she come herself and ask? A I dont know, it was neglect some way.

Q Did you give testimony the way you are doing today? A Yes, sir

Q Did they swear you about what you were saying? A They swore me for the children and I guess they did for her.

Q They asked you about her at the same time? A Yes, sir.

Q What did you tell them? A I told them it was my niece and I had always seen after her till they took her away to the Choctaw Nation.

Q Who did she live with in the Creek Nation? A I dont know/.

Q Do you know if she ever drew any money at any of the Creek payments? A No, sir

Q What was her father's name? A Dennis Herrod.

Q Is he living? A Dead

Q How long has he been dead? A Dont know exactlt when he died, think about 3 years before we drew that \$29.00

Q Did you ever do anything else about trying to have her enrolled? A Yes, sir, I wrote to her and found out that is how I came to know she wasn't enrolled, I told her she was of age and she must come and see about it.

Q Was she of age at the time you first made application for her enrollment? A I dont know whether she was or not, she was married and about 16 or 17 I guess

Q At that time did she ask you to make application for her?

A Yes, she couldn't come and she asked me to make application when I made application for my children.

Q She never came herself to make application? A I dont know
Q Was any one with you at the time you say you made application
for her enrollment? A No, sir, my oldest brother was buthe is
dead, he told me it was no more than right that we should enroll
her and I thought they enrolled her, they swore me all right .
Q What did you tell them was her name? A I told them it was
Harrod before she was married and I didn't know what her husbands
name was.
Q Was that the time you first came in to be enrolled or was it
when you came to file on land? A It was when I came to file on
my landand my children's land.

By atty. for applicat .

Q Do you say that you made application for the enrollment of
Peggy at the same time you made application for the enrollment of
your children? A Yes, sir

The records of this office have been examined and it does
not appear therefrom that application was ever made for the
enrollment of said Peggy McCey as a Creek freedman.

I, Anna Garrigues, on oath state that the above and foregoing is
a true and correct transcript of my stenographic notes as taken
in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this 28th day of September 1908

E. Edwards

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, January 4, 1906.

In the matter of the alleged application for the enrollment of Peggy McCoy as a Creek freedman.

Peggy McCoy being duly sworn testified as follows:

Q What is your name? A Peggy McCoy.
Q What is your age? A Thirty four.
Q Are you sure of that? A That is what they tell me.
Q When you were here on the 28 of last September you said you were twenty six.
Q I will be thirty four my next birthday.
Q What is your post office address? A Eufaula.
Q What was your maiden name? A Peggy Herrod.
Q You claim to be a citizen of the Creek Nation? A Yes, sir.
Q What is the name of your mother? A Annie Herrod.
Q Was she a citizen of the Creek Nation? A Yes, sir.
Q What was her maiden name? A Moore
Q When was the first time your uncle told you he had made application to the Commission to the Five Civilized Tribes for your enrollment? A I don't know exactly it has been so long.
Q Don't you remember about how long ago? A I cant remember just how long but quite a good while.
Q Has it been twenty years or five years? A It aint been twenty years I don't suppose. I guess it has been about eight or nine years
Q Why didn't you come and make application for yourself? A I was small when he made application. When he came to make application for his own children he made application for me.
Q Do you say you were small at that time? A Yes, sir.
Q If you are thirty four now you weren't very small when he made application for his children, why didn't you come yourself? A He was supposed to be attending to the business for me.
Q Did you draw any money in any of the Creek payments? A No, sir I never drew any.

Case is continued for twenty days to permit the introduction of further testimony.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this
8 day of January 1906.

Anna Garrigues

J. H. Bennett
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Peggy McCoy as a Creek freedman.

D E C I S I O N .

The record in this case shows that on September 28, 1905, Peggy McCoy appeared before the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, and testified in the matter of her alleged application for enrollment as a Creek freedman. Although the said testimony was not introduced within the time designated by the Secretary of the Interior, under the authority in him vested by the provisions of the Act of Congress approved March 1, 1901 (31 Stats. 1010), jurisdiction to consider certain applications made prior to December 1, 1905, was given to this office and the Department by the provisions of Section 1 of the Act of Congress approved April 26, 1906, and the said testimony of September 28, 1905, is herein considered an original application for the enrollment of Peggy McCoy as a Creek freedman. Further proceedings were had on January 4, 1906.

The evidence in this case shows that the applicant, Peggy McCoy, was twenty-six years of age on the date of the original application and was the child of one Dennis Herrod, and Annie Herrod, whose maiden name was Annie Moore.

The records in possession of this office fail to show that the applicant herein is a descendant of a person whose name appears on the roll of Creek freedmen, prepared by J. W. Dunn, prior to March 14, 1867 or of a person who has been lawfully admitted to citizenship in said nation since said roll was made, and it does not appear that the applicant has ever been lawfully admitted to citizenship in the Creek Nation nor does the name of the said Peggy McCoy (or Herrod) appear on any of the authenticated tribal rolls of said nation.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Peggy McCoy as a Creek freedman and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory,

 COMMISSIONER.

Cr En 981

✓
Muskogee, Indian Territory, December 28, 1906.

Peggy McCoy,

Bufoala, Indian Territory.

Dear Madam:

In the matter of your alleged application for enrollment as a Creek Freedman, you are advised that you will be allowed ten days from this date within which to appear at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, for the purpose of being examined under oath.

Respectfully,

Commissioner.

✓
Cr En 981

Muskogee, Indian Territory, December 28, 1905.

A. G. W. Sango,

Attorney for Peggy McCoy,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the alleged application for the enrollment of Peggy McCoy as a Creek Freedman, you are advised that she has been allowed ten days from this date within which to appear at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, for the purpose of being examined under oath.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cr. No. 281

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 5, 1907.

Peggy McCoy,

Eufaula, Indian Territory.

Dear Madam:

You are hereby notified that you will be allowed ten days from this date within which to appear at this office with such witnesses as you may wish to introduce in the matter of your alleged right to enrollment as a Creek freed-man.

Respectfully,



Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cr.En.981.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 26, 1907.

Peggy McCoy,

Bafula, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,



Commissioner.

Register.
IM-19.

Gr. En. 961.

Muskogee, Indian Territory, February 26, 1907.

A. G. W. Sarge,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Peggy McCoy, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LN-20.

Gr.En.981.

Muskogee, Indian Territory, February 26, 1907.

M. L. Nett,

Attorney for Creek Nation,

Muskogee, Indian territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Peggy McCoy, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

IM-21.

Gr. No. 961.

Washington, Indian Territory, February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Peggy McGee, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

IM-23.

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

I.T.F.7764-1907.

March 4, 1907.

RECEIVED

IND.

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

The Department has considered the following citizenship cases received with your letters of February 25, 26 and 27, 1907, and Indian Office letter of March 2, 1907, (Land 21229 et al), copy inclosed, and in accordance with the recommendation made by you and the Indian Office the application in each case is rejected:

Title of case.

George and Julia McIntosh, deceased (freedmen)
Belle and Delpha May Brown (Freedman)
Peggy McCoy (Freedman)
Lena McGirt (Creek)
Julia Grayson, deceased (Creek)
Gosarpe, Ithas Harjo and Nowike (Creeks)
Ophila Harjo (Creek)
Louana Johnson (Creek)
Sampson Harjo (Creek)
Ivy Richardson (Cherokee Freedman)
Hester and Myrtle Powell (Cherokee freedmen)
George Sutherland (Cherokee)
Lawrence Smith (Creek freedman)
John W. Vaughn et al., (Cherokees)
Louis A. Lafallier (Cherokee)

A copy heresof has been sent to the Indian Office.

Respectfully,

H. A. Hitchcock,

Secretary.

1 inclosure. WCF 3/4/06.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON.

(Copy.)

Land
References
at bottom
of letter.

March 2, 1907.

The Honorable,
The Secretary of the Interior,
Sir:

There are forwarded herewith several reports of Commissioner Bixby and records in the following names citizenship cases, together with the Commissioner's decisions denying the applications for enrollment of the persons involved in each case:

Cherokee citizens by blood John W. Vaughn, et al.

Cherokee citizens by intermarriage George Sutherland
Louis A. Lafallier.

Cherokee freedmen Hester and Myrtle Powell
Ivy Richardson/

Creek citizens by blood

Bampson Harjo
Levana Johnson
Ophila Harjo
Gesarpe, Ithas Harjo and
Mewike Julia Grayson
Lena McEirt
Belle Brown and Delpha May
Brown,
Lawrence Smith,
George and Julia McIntosh
Beggy McGey.

The office has examined the record in each of the above cases and recommends for approval the decisions of the Commissioner denying the applications.

There are also forwarded herewith briefs and affidavits to be considered in connection with the following cases, which have heretofore been forwarded to the Department:

Chickasaw citizens by blood E. A. Carson, et al.

Chickasaw intermarried citizen Martin E. Young

Chectaw citizen by blood Mary Ann Vandergriff

Chectaw intermarried citizen Mattie Deak

Chectaw intermarried citizen Emma Crawford

Chectaw intermarried citizen Mary Jane Williams

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-NH

21229-1907	21271-1907	21265-1907
21236	21270	21221
21230	21269	21222
21236	21277	21224
21237	21268	21248
21273	21267	21223
21272	21266	21225

Cr.No. 981.

Muskogee, Indian Territory, March 16, 1907.

Peggy McGoy,

Bufoala, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for your enrollment as a Creek Freedman.

Respectfully,

Commissioner.

LM

Gr.No. 981.

Muskogee, Indian Territory, March 16, 1907.

A. G. V. Sango,

Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 1, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Peggy McCoy, as a Creek Freedman.

Respectfully,

Commissioner.

LM

CR EU 982

CR EU 982

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Brush Hill, I. T., September 22, 1905.

Annie

In the matter of the application for the enrollment of Johnson and Grayson, deceased, as a citizen by blood of the Creek Nation.

ROBERT GRAYSON, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q. What is your name? A. Robert Grayson.
- Q. How old are you? A. Fifty-five or Fifty-six.
- Q. What is your post office address? A. Brush Hill.
- Q. Are you a citizen of the Creek Nation? A. Yes, sir.
- Q. To what town do you belong? A. Ketchapataka.
- Q. Did you have a child named Johnson Grayson? A. Yes, sir.
- Q. The child is dead is it? A. Yes, sir.
- Q. What was the name of its mother? A. Louisa Grayson. She belongs to Coweta Town.
- Q. Do you know when the child was born? A. I did, but I can't remember now. It has been somewhere about 1898 or '97.
- Q. When did the child die? A. I can't answer. Any way it was in July, but the date I can't tell you.
- Q. How old was the child at the time it died? A. It was a little over a year old, but how much older I can't say.
- Q. Do you remember the circumstance of the opening of the Creek Land Office? A. Yes, sir.
- Q. Was the child living at that time? A. No, I don't believe he was.
- Q. You are not certain? A. No, sir. One was living named Annie. We had that fixed up and sent up there and never got no answer.
- Q. Did you say you had a child named Annie? A. Yes, sir.
- Q. Do you know when she was born? A. She was born, I think, about 1901, somewhere along in there.
- Q. Do you know in what season of the year it was? A. She was born in September or November. I believe it was in November.
- Q. Annie was born in that month? A. Yes, sir. I sent up to Muskogee to Court and it was in that month and when I got back the child was born.
- Q. How old was Annie when she died? A. She was a year and a half of age when she died.
- Q. In what month and year did she die? A. What year I can't remember but it was in May.
- Q. There are two affidavits on file with the Commissioner, executed by your wife and Larty Bear, as to the ~~minors~~ birth and death of these two children. According to the one about Johnson he ~~was~~ was born February 4, 1899 and died May 25, 1899. According to that the child would not have been a year old when he died? A. I cannot remember, it may be so. I cannot remember. It seems like I forgot all about it.
- Q. Are you sure that the child was a year old when it died? A. I think so, but if I am mistaken it is all right.
- Q. And you think the child was a year old? A. I think so, and it might be not.
- Q. According to the affidavit, executed by your wife and Larty Bear, relative to the birth and death of Annie the child was born February 25, 1901, and died July 15, 1901. According to that she would not have been as old as you claim? A. It must have been.

You stated that Annie was about a year and a half old? A. I now know I made a mistake. Still I ain't objecting if I don't get nothing.
Q. Did you have a record of any kind as to when these children were born or died when your wife executed these affidavits? No, sir. I had one but I lost it.

LOUISA GRAYSON, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q. What is your name? A. Louisa Grayson.
Q. How old are you? A. Thirty-seven.
Q. What is your post office address? A. Brush Hill.
Q. Are you a citizen of the Creek Nation? A. Yes, sir.
Q. To what town do you belong? A. Coweta.
Q. Did you have a child named Johnson Grayson? A. Yes, sir.
Q. Do you know when Johnson was born? A. I do not know.
Q. Do you know when the child died? A. No, sir.
Q. How old was the child when it died? A. I do not know just how old the child was but it was about as old as this child I have in my arms and this child is not yet a year old.
Q. Who attended on you when Johnson was born? A. Larty Bear.
Q. Is she living? A. She lives across Deep Fork River.
Q. January 23, 1903, you and Larty Bear executed affidavits in which it is stated that Johnson was born February 4, 1899, and died May 25, 1899? A. I do not now know the date of the birth but the dates given in the affidavit are correct.
Q. How did you fix the date of the child's birth and death when you executed the affidavits? A. I remembered the dates then.
Q. Do you remember the circumstance of the opening of the Creek Land Office at Muskogee? A. Yes, sir.
Q. Was your child Johnson living at that time? A. I think not.
Q. How long had the child been dead, do you think, when people first began filing on their land? A. I do not know.
Q. Are you positive that the child was not living then? A. Yes, sir.
Q. The dates as given in your affidavits cannot be correct if the child was not living at that time? A. It has been so long ago that I cannot give you any satisfactory information.
Q. Would Larty Bear know the date of the child's birth and death? A. She might.
Q. Did you have a child named Annie? A. Yes, sir.
Q. Do you know when she was born? A. No, sir, I do not know. All I know is the child was born in the winter.
Q. When did the child die? A. It died in the summer-time.
Q. How old was the child when it died? A. I do not know. It was a young child.
Q. Was it as much as a year old? A. It was less than a year old.
Q. You and Larty Bear executed an affidavit about Annie, January 23, 1903, in which it is stated that Annie was born February 25, 1901, and died July 15, 1901? A. The dates must be correct as given in the affidavits, but I am unable at this time to fix the dates of the birth and death of the child.
Q. How many years has it been since Annie died? A. I do not know. I stated that I just remembered the date of the child's birth and death but it now occurs to me that we had records to go by when we executed those affidavits.
Q. Who made the record? A. The father of the children.

B.A. & D.A. 64-65.6--3.

ROBERT GRAYSON recalled:

By the commissioner:

Q. Have you found the record referred to by your wife? A. Yes, sir.

Witness presents a piece of paper upon which, written in the Creek Language, the following entries appear:

"Johnson was born February 13, 1892, and died May 25."

"Annie was born February 25, 1901, and died July 15."

Q. Did Johnson die in the same year he was born? A. Yes, sir.

Q. Did Annie die in the same year she was born? A. Yes, sir.

Q. When did you make this record? A. At the time they died and at the time they were born.

---000000000---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 29 day of Sept, 1903.

[Signature]

Notary Public

INC-VED

COMMISSIONER TO FIVE TRIBES.

No.	Received	RECEIVED
45730	OCT - 8 1905	Page
1905		

Posey, Alex,
Eufaula, I.T.,
Creek Nation,
Oct. 2, 1905.

Transmits testimony in re
application for enrollment
of Johnson and Annie
Grayson, both deceased, as
Creek citizens.

CREEK ENROLLMENT.

There is evidence in support of the claim of the deceased Johnson and Annie Grayson, both deceased, as citizens of the Creek Nation. The matter of the application for the enrollment of Johnson and Annie Grayson, both deceased, as citizens of the Creek Nation, is hereby referred to the Commission for their consideration and report.

Chief of Division Creek Field Office

B. A. and D. A. 54 and 65.

Baraula, Indian Territory, October 2, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith testimony taken September 22,
1905, in the matter of the application for the enrollment of Johnson
and Annie Grayson, both deceased, as citizens by blood of the Creek
Nation.

I am unable to secure further evidence in said case.

Respectfully,

Miss Pugh
Clerk in Charge Creek Field Party.

319

IN RE
THE DEATH OF

Johnson Grayson
a citizen of the

Oneida Nation.

Approved _____ 190_____

Commissioner.

Father & mother on C. Card #1262

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

Jan 26 1903

ACTING CHAIRMAN.

ACTING CHAIRMAN.

FILED

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Johnson Grayson

(Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or nearChecotah, Ind. Ter., and died on the 25th day of

(Here insert name of post office.)

May, 1899.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Western District. }I, Louisa Grayson, on oath state that I am 37years of age and a citizen, by Blood, of the Creek Nation;that my post office address is Checotah, Ind. Ter.; that I am

(Here insert name of post office.)

mother of Johnson Grayson,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)who was a citizen, by blood, of the Creek Nation;and that said Johnson Grayson died on the 25th day of

(Here insert name of deceased.)

May 1899, I _____.Louisa Grayson ^{her} ~~mark~~

WITNESSES TO MAKE:

(Must be Two
Witnesses.)J. B. Barnum
W. A. SmithSubscribed and sworn to before me this 23d day of January 1903.

My Commission Expires July 1, 1906.

J. B. Morrow

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Western District. }I, Lottie Bear, on oath state that I am 37years of age, and a citizen, by blood, of the Creek Nation;that my post office address is Checotah Ind. Ter.;

(Here insert name of post office.)

that I was personally acquainted with Johnson Grayson

(Here insert name of deceased.)

who was a citizen, by blood, of the Creek Nation;and that said Johnson Grayson died on the 25th day of

(Here insert name of deceased.)

May 1899, I _____.Lottie Bear

WITNESSES TO MAKE:

(Must be Two
Witnesses.)Subscribed and sworn to before me this 23d day of January 1903.

My Commission Expires July 1, 1906.

J. B. Morrow
Notary Public.

64

IN RE

Application for Enrollment of

INFANT CHILD

Johnson Simpson

as a citizen of the

Wreck Nation.

Approved 190

Commissioner.

Y. S. N. v. S. N. #126

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

Jan 26. 1903

ACTIVE CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
 of Johnson Grayson, born on the 4th day of February, 1899
(Here insert name of child.)

Name of Father: Robert Grayson, a citizen of the Creek Nation.

Name of Mother: Louisa Grayson, a citizen of the Creek Nation.

Post-Office: Chacotah, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Western District. }

I, Louisa Grayson, on oath state that I am 37
 years of age and a citizen, by Blood, of the Creek Nation;
 that I am the lawful wife of Robert Grayson, who is a citizen, by
Blood, of the Creek Nation, that a male child was
(Male or female.)
 born to me on the 4th day of February 1899 ~~xxx~~; that said child has been
 named Johnson Grayson, and is now ~~living~~ dead

WITNESSES TO MARK:

(Must be Two Witnesses.)

Louisa Grayson her mark
J. B. Banowitz
W. A. Smith
 Subscribed and sworn to before me this 23d day of January 1903.

My Commission Expires July 1, 1906.

J. B. Morrow
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Western District. }

I, Lorty Bear, a midwife, on oath state that I
 attended on Mrs. Louisa Grayson, wife of Robert Grayson,
 on the 4th day of February 1899, ~~1900~~; that there was born to her on said
 date a male child; that said child is now ~~living~~ dead
(Male or female.)
 named Johnson Grayson.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Lorty Bear
 Subscribed and sworn to before me this 23d day of January 1903.

My Commission Expires July 1, 1906.

J. B. Morrow
 Notary Public.

320

IN RE
THE DEATH OF

Annie Grayson

a citizen of the

Creek

Nation.

Approved

190

Commissioner.

Richard M. ...

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

Jan 21 1903

[Signature]
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Annie Grayson

(Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or nearChecotah, Ind. Ter., and died on the 15th day of

(Here insert name of postoffice.)

July 1901, I _____.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }I, Louisa Grayson, on oath state that I am 37
years of age and a citizen, by blood, of the Creek Nation;
that my post office address is Checotah, Ind. Ter.; that I am

(Here insert name of post office.)

mother of Annie Grayson,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)who was a citizen, by blood, of the Creek Nation;
and that said Annie Grayson died on the 15th day of

(Here insert name of deceased.)

July, 1901, I _____.Louisa Grayson ^{her} _{mate} X

WITNESSES TO SIGN:

(Must be Two
Witnesses.)J. B. Baranowich
A. A. SmithSubscribed and sworn to before me this 23d day of January 1903.

My Commission Expires July 1, 1906.

J. B. Baranowich

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }I, Lorty Bear, on oath state that I am 37
years of age, and a citizen, by blood, of the Creek Nation;
that my post office address is Checotah, Ind. Ter.;

(Here insert name of post office.)

that I was personally acquainted with Annie Grayson

(Here insert name of deceased.)

who was a citizen, by blood, of the Creek Nation;and that said Annie Grayson died on the 15 day of

(Here insert name of deceased.)

July, 1901, I _____.Lorty Bear

WITNESSES TO SIGN:

(Must be Two
Witnesses.)Subscribed and sworn to before me this 23d day of January 1903.

My Commission Expires July 1, 1906.

J. B. Baranowich

Notary Public.

65

20

IN RE

Application for Enrollment of

INFANT CHILD

Annie Grayson

as a citizen of

Greek

Nation.

Approved, 190

Commissioner.

End

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

Jan 11 1903

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Annie Grayson, born on the 25th day of February, 1901

Name of Father: Robert Grayson, a citizen of the Creek Nation.

Name of Mother: Louisa Grayson, a citizen of the Creek Nation.

Post-office, Checotah, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Louisa Grayson, on oath state that I am 37
years of age and a citizen, by blood, of the Creek Nation;
that I am the lawful wife of Robert Grayson, who is a citizen, by
blood, of the Creek Nation, that a female child was
(male or female.)
born to me on the 25th day of February 1901; that said child has been
named Annie Grayson, and is now ~~living~~ dead

WITNESSES TO MARK

(Must be Two
Witnesses)

J. B. Banowetz
W. A. Smith

Louisa Grayson ^{her} mark

Subscribed and sworn to before me this 23d day of January 1903.

My Commission Expires July 1, 1906.

J. B. Morrow
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Lottie Bear, a midwife, on oath state that I
attended on Mrs. Louisa Grayson, wife of Robert Grayson,
on the 25th day of February 1901; that there was born to her on
said date a female child; that said child is now ~~living~~ dead
(male or female.)
named Annie Grayson

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Lottie Bear

Subscribed and sworn to before me this 23d day of January 1903.

My Commission Expires July 1, 1906.

J. B. Morrow
NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Johnson Grayson and Annie Grayson, both deceased, as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on January 26, 1903, there were filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavits of Louisa Grayson relative to the births of her minor children, Johnson Grayson and Annie Grayson, both deceased, which said affidavits are considered as an application for the enrollment of said Johnson Grayson, deceased, and said Annie Grayson, deceased, as citizens by blood of the Creek Nation. Further proceedings were had September 22, 1905.

The evidence shows that said Johnson Grayson, deceased, was born February 13, 1899, and that he died May 25, 1899; that said Annie Grayson, deceased, was born February 25, 1901, and that she died July 15, 1901.

The evidence further shows that said Johnson Grayson, deceased, and said Annie Grayson, deceased, were the minor children of Robert Grayson and Louisa Grayson; and an examination of the records of this Office shows that the names of said Robert and Louisa Grayson are contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, opposite Nos. 4023 and 4024, respectively.

It is, therefore, ordered and adjudged that said Johnson Grayson, deceased, is entitled to be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and that said Annie Grayson, deceased, is entitled to be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the act of Congress June 30, 1902 (32 Stats., 500), and the application for their enrollment as such is accordingly granted.

Muskogee, Indian Territory.

NOV 11 1905

Commissioner.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

B.A. 64.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 13, 1903.

Louisa Grayson,

Checotah, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits executed by you relative to the birth and death of your minor child, Johnson Grayson, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further testimony be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,



Chairman.

J. J. B.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

B. A. 65.

ALLISON L. AVERGUTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 13, 1903.

Louisa Grayson,

Checotah, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits executed by you relative to the birth and death of your minor child, Annie Grayson, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further testimony be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,



Chairman.

Muskogee, Indian Territory, November 13, 1906.

M. L. Nott,

Attorney for the Creek Nation.

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Johnson Grayson and Annie Grayson, (both deceased), as citizens by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if, at the expiration of that time, no protest has been filed, said Johnson Grayson and Annie Grayson (deceased) will be regularly listed for enrollment as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Gr En 982

Muskogee, Indian Territory, January 10, 1906.

Robert Grayson,

Brushhill, Indian Territory.

Dear Sir:

You are hereby advised that the names of your deceased minor children, Johnson and Annie Grayson, are contained in a partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior January 4, 1906, and that application by the legal representatives for the heirs of said children for selections of land in the Creek Nation may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR

EN 983

CR EN 983

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE INDIAN TERRITORY JANUARY 31, 1907.

In the matter of the application for the enrollment
of Charley Williams, as a citizen by blood of the Creek Nation.

Appearances: Jay P. Farnsworth, representing M.L.
Nott, Attorney for the Creek Nation.

CHARLEY WILLIAMS, being first duly sworn by Henry
G. Hains, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q: What is your name? A Charley Williams.
Q: How do you spell your first name? A I don't know.
Q: How old are you? A 40 years, past.
Q: What is your post office address? A Beley, I. T.
Q: How long have you lived at Beley? A About two years.
Q: Where were you born? A In the Creek Nation.
Q: Where in the Creek Nation? A In Springtown, Creek Nation.
Q: Where is that? A Just across the river here at the Indians old Springtown.
Q: Do you know what town it is near? A It is what they call a settlement of people.
Q: Well, is it near a Post Office? A Muskogee is the nearest Post Office I knew anything about.
Q: Where place were you born on? A I don't know just whose land it was.
Q: What was the name of your father? A Williams.
Q: What was the rest of his name? A John Williams, my father was a free state man.
Q: What do you mean by a free State man? A He had never been a slave.
Q: He was a negro, wasn't he? A Yes sir, I suppose.
Q: Is he living? A No sir.
Q: How long has he been dead? A About 3 years.
Q: What was your mother's name? A China, not Chinese, but China.
Q: I did not say anything about Chinese? A Well, I was just explaining her name.
Q: Is she living? A No sir.
Q: How long has she been dead? A 25 or 30 years.
Q: Was she a citizen of the Five Civilized Tribes? A A citizen of the Creeks.
Q: What kind was she, a citizen by blood, or a Freedman? A I claim she was a citizen by blood, a full blood Creek.
Q: Do you know what town she claims to have belonged to?
A: I don't know what Indian town.
Q: Don't you know what Indian town she claimed to belong to?
A: I explained that she belonged to Springtown.
Q: No, there isn't any Springtown, there were 47 towns, which Creek Indians belonged to, and there were three, to which Freedmen belonged to, now do you know which of these 47 that she claimed to belong to? A I don't know, they claim she was on the Springtown roll, that is all I knew, she was of that town of people.
Q: Well, there is not any Springtown roll? A That is all I know.
Q: So you claim to be a citizen by blood of the Creek Nation?

- A: Yes sir, well my father was a Freedman.
- Q: Now you claim your father was a freeman, because he never was a slave. Now a Creek freedman, we call them that because they were slaves and owned by Creek Indians, and were set free. You claim your mother was a full blood Creek, then you are a half, is that what you call it?
- A: I don't know what you pronounce it, you will have to say that.
- Q: I understand from what you wrote that you were born in the Creek Nation, where you lived, near Springtown until four years ago, is that right? A No sir.
- Q: Now you told me that you lived at Beley about two years, and lived in Kansas about two years? A Well, you did not give me time to explain. I was born here, then during the war my mother and her people went to Kansas, and I was carried back there from here, then I stayed in Kansas two or three years, then went from Kansas back to Texas.
- Q: Texas, how long were you there? A That time I stayed in the Texas 8 or 9 years, and then came back to the Creek Nation.
- Q: And then did you live in the Creek Nation all the time except about 9 years in Texas and four years in Kansas?
- A: No sir, I have lived in Kansas twice.
- Q: Well, then altogether you have lived in the Creek Nation, with the exception of about 9 years in Texas, and altogether two years in Kansas twice? A Yes sir, the balance of the time in the Territory.
- Q: Were you in the territory the year of 1890 or thereabout?
- A: I would be pleased to give you my understanding that I am not an educated man.
- Q: Well now, that was about 17 years ago? A I don't know where I was about 17 years ago.
- Q: Were you in the Indian Territory on June 28, 1898, that was about 9 years ago? A Yes sir.
- Q: You were in the Indian Territory about then? A Yes sir, I have been in and out of the Territory all of the while, now as I said, I am not an educated man.
- Q: So you could not state that you were here any particular year? A No sir, I did not date the time, I can kinder estimate where I have been, but I can't specify because I am not an educated man.
- Q: Well, the reason I asked if you were here in 1890 or 1895 was this, have you ever drawn any money in the Creek Nation? A No sir.
- Q: You are sure of that? A Yes sir.
- Q: Does your name appear on any of the tribal rolls? A No sir.
- Q: Have you ever been admitted to citizenship in the Creek Nation under the Creek tribal authorities, or the Dawes Commission or the United States Court in the Indian Territory? A No sir.
- Q: Then on what do you base your alleged claim? A Because my mother was a Creek.
- Q: And your mother was a full blood Indian and died about 25 years ago? A Yes sir.
- Q: You don't claim that she was a slave, or that her husband, your father, was a slave? A No sir.
- Q: You don't claim that either of their names were on the Dunn roll. A No sir, I don't claim they aint, I knew I aint.

Q: Do you know a lawyer named W. W. Wright? A No sir.

Q: Did you ever write him about your case? A No sir, I never have employed a lawyer.

Q: Did you ever write any letter either to this office or to the Secretary of the Interior about your case? A Yes sir.

Q: When did you write? A The first letter I wrote was September 1, 1905.

Q: To whom did you write? A To the U. S. Indian Agent.

Q: Here at Muskegee? A Yes sir.

Q: What did you say to him at that time? A I wrote him complying for citizenship about two years ago.

Q: Did you state in what Nation? A Yes sir.

Q: What did you state? A I stated that my mother was of the Creek Indian Tribe of people, and that she was dead, when I was a child and why I was not here, she died when I was a child and then I fell into the hands of my father and he carried me to Kansas.

Q: As near as you remember, that was all in the letter?

A: Yes sir.

Q: Did you get an answer to that letter? A Yes sir, I think you have got it there now. I got an answer to the letter and I wrote to Mr. Bixby.

Q: We have here a letter to one Charley Williams, acknowledging receipt of your letter of September 18, 1905, in which you state that your mother is dead, and in reply you are advised that if you will state the name of your mother, the tribe to which you and she claim to belong and the purpose for which you forward this information, the matter will receive consideration. How did you answer that letter that the Commissioner wrote you in 1905? A Yes sir, I think I did in about 8 or 10 days afterwards.

Q: Well, did you get an answer to that letter that you wrote?

A: Yes sir.

Q: You never appeared in person until today? A No sir.

Q: And all you did was that you wrote a letter to J. Geo. Wright, U. S. Indian Inspector, which was forwarded here.

A: Yes sir, he wrote me that he had forwarded it to Mr. Bixby for further action for citizenship, and then I written Mr. Bixby, ofcourse I have the letter.

Q: Is there anything further that you want to state now?

A: Well, I havent anything to say about it only I want to know when you are going to allow me to bring my witnesses .

Q: What could your witnesses tell that you have not told? Could they contradict your sworn statement that you have not received any tribal funds or that your name is not on the rolls? A No sir, they could tell you that I never have received any kind of money or was on any rolls.

Q: What would they testify? A Well, that would be one thing that they knew, I have never been on the rolls and never received any money and they naturally knew more about my age and my mother and how long I was in Kansas or Texas. They naturally could give you a better understanding than I can, because I am not an educated man.

Q: Are these witnesses here? A No sir, I could get them today.

Q: Who are they? A Old man William McIntosh is one.

Q: Is that him there? A Yes sir.

Q: Have you anything more to say? A I havent anything more to say, I will take him for my witness.

WILLIAM MCINTOSH being first duly sworn by Henry G. Hains, testified as follows:

Q: What is your name? A William McIntosh.
Q: How old are you? A About 69 years old.
Q: What is your Post Office? A Ridge.
Q: Do you know this man here? A Well, from recommendation, but personally I don't, I don't think I was a witness in this case, I have his statement same as you have. I have been before the Commissioner long enough to know what is required to be a witness and I don't think I am sufficient.

Charley Williams recalled.

Q: Charley, is there any question you want me to ask William McIntosh? A No sir.

William McIntosh recalled.

Q: How do you know anything about this case? A So far as his mother is concerned, I could tell you about that family from beginning to end, the mother that he claims.
Q: You don't know whether it is his mother? A No sir?
Q: What was her name? A China Perryman, she stayed at my house, she was a girl then about 20 years old.
Q: Did you see her afterwards? A Yes, I met her in Muskegee after peace was declared and she had three children.
Q: Was she a full blood Indian? A Well, you would call her about a half Indian.
Q: Do you know what Creek Indian town this China Perryman belonged to? A Yes sir, Big Spring.
Q: Do you know if this applicant, Charley Williams ever received any money from the Creek Nation? A I don't know.
Q: You don't know whether his name appears on any of the Creek rolls or not? A Non sir.

EXAMINATION BY JAY P FARNSWORTH:

Q: When did you first become acquainted with Charley here?
A: About a month or two ago.
Q: The first time you ever saw him? A Yes sir, the first time I ever saw him.

EXAMINATION BY THE COMMISSIONER:

Q: Now Charley, is there any other witness you want to introduce? A No sir.

Witnesses excused.

I, Elizabeth Knight, on oath state, that the above and foregoing is a true and correct transcript of my stenographic notes as taken on said date, in said cause.

Subscribed and sworn to before me on this the 31 day of Jany, A D.1907.

Elizabeth Knight

Edward Herrick
Notary Public.

UNITED STATES OF AMERICA,

INDIA TERRITORY,

SENTER LIA FICT/

ss.

Muskogee, I. T.

April, 25-05.

To The Hon. Secretary Of The Interior,
Washington, D. C.

Dear Sir:-----

Replying to your letter of the 3rd. Ult. , which is hereto attached, will say: That I went before the Commission To The Five Civilized Tribes, and they informed me that they had never received any communication from you relative to my application to be enrolled as a Creek Freedman.

And they further state that I, have never been before them to make application to be enrolled as such Freedman, prior to September 1st. 1904.

Now will and I wish to ask the limits of persons that were with me at the time I went before the Commission and made said application to be enrolled as a Creek Freedman.

I wish to state further, that all of my people are of the Straight Tolls, either as Freedmen or as Creek Citizens, and that I should have an opportunity of proving my rights to citizenship, especially since it is no fault of mine that my application, is not on file at the Creek Enrolling Division of the Commission, located here in Muskogee, I. T. as I have done everything that I could do to get the to enroll me and they have refused everytime that I have gone before them for that purpose. I hope you will look into this matter and instruct the Commission, to give me a hearing.

Attest.

I, Charley Williams, of Pry I. T. being duly sworn, depose and state that I went before the Commission on or before the 31st. of March, 1904. and made application to be enrolled as a Creek Freedman and they refused to let me enroll as such Freedman.

Subscribed and sworn to before

on this April ----th., 1905.

My Commission Expires

Charley Williams
Lenna L. Lennigan
Notary Public.

Oct 7 - 1905

UNITED STATES OF AMERICA
INDIAN TERRITORY,
DISTRICT OF COLUMBIA/

Copy

AFFIDAVIT.

I, Nancy Sims, being of lawful age, and being duly sworn, depose and state, that I, was present when Charley Williams went before the Commission to the Five Civilized Tribes, and made application to be enrolled as a Creek Freedman, and that the official of the enrolling division of the Creek Department, refused to let him enroll as such Freedman.

I, further state that his application was made before September 1st, 1904. being made in the early spring. *I said your*

Witness to mark.

J. J. Endon
W. H. Sims

Nancy Sims
her J.
mark.

Subscribed and sworn to before me this 25 day of April, 1904.

Lessa L. Lanigan
Notary public in and for the
Western District of the Indian Ter.

Commission expires

Oct. 7th 1907

INDIAN TERRITORY DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
WESTERN DISTRICT.

11
Copy

Affidavit.

I, Abraham Caesar, of lawful age, being first duly sworn, deposes and states that I did, in the early spring of 1904, meet Charley Williams coming from the Daves Commission of the Five Civilized Tribes and stated to me that he had made application to be enrolled as a Creek Freedman, and he further stated that the officials of the Creek Enrolling Division of the Daves Commission refused to let him enroll as such Freedman.

I further state that the application was made before the 1st day of September, 1904, being made in the early spring of 1904.

witness to not
F. J. Gordon
H. H. Simms

Abraham Caesar
his
mark

Subscribed and sworn to this 24th day of April, 1905.

Lenna L. Louizan
Notary Public in and for the Western
District of the Indian Territory.

My Commission expires Oct. 7th. 1907.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

APR 26 1906

[Handwritten signature]

CHIEF

*Forwarded to
Dept.*

4/28/05

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
WESTERN DISTRICT.

SS.

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I, Will Sims, of lawful age, being first duly sworn, depose and state, that I was present when Charley Williams, of Wry, I. T. went before the Commission to the Five Civilized Tribes, and made application to be enrolled as a Creek Freedman, and that the officials of the Creek Enrolling division of the Commission refused to let him enroll as such Freedman.

The time of said application was made, being before the 1st. of September, 1904. being in the early Spring of said year above mentioned, on or about the 31st. of March, 1904.

W. L. Sims

Subscribed and sworn to before me this 26-day of April, 1903.

Lenna L. Langer
Notary in and for the Western
District of the Indian Territory.

My Commission expires Oct. 7 - 1907

COMMISSIONERS:
TAMS BIRBY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

WM. O. BEALL,
Secretary.

DO NOT REPLY TO THE FOLLOWING:

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 24, 1905.

Charlie Williams,
Fry, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter (without date) relative to your right to citizenship in the Creek Nation.

In reply you are advised that it does not appear from the records of the Commission that application was ever made for your enrollment as a citizen of the Creek Nation.

You are further advised that the rolls of the Creek Nation were closed September 1, 1904, by order of the Secretary of the Interior, and the Commission is now without authority to receive applications for enrollment as citizens of said Nation.

Respectfully,

(signed) Tams Bixby,

Chairman.

Li. 28

Muskogee, Indian Territory, April 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

April 26, 1905, Charley Williams delivered to the Commission for transmission to the Department a petition for an order directing the Commission to grant him a hearing in the matter of an alleged application for his enrollment as a Creek Freedman which, it is claimed, he made prior to September 1, 1904. Attached to said petition are the affidavits of Bill Sims, Abraham Caesar and Nancy Sims, in support thereof.

The records of the Commission have been examined and it does not appear that application was made for the enrollment of said Charley Williams as a Creek Freedman prior to or on September 1, 1904, on which date the rolls of the Creek Nation were closed by order of the Secretary of the Interior, under the authority in him vested by the Act of Congress approved March 3, 1901. (31 Stats., 1058).

The petition, with attached affidavits, is herewith enclosed for Departmental consideration.

Respectfully,

Through the
Commissioner of Indian Affairs.

Chairman.

983 ✓
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

June 3, 1905.

LLB

I T D 5378-1905
LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

For use in the adjudication of the claim of Charley
Williams as a Creek freedman, you are requested to inform the
Department if the name Charley Williams appears upon any of the
Creek rolls now in your possession. An early report is desired.

Respectfully

E A Hitchcock

Secretary

D.O.

Muskegee, Indian Territory, June 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of the Department's communication of June 3, 1906 (I.T.D. 5378-1906), in the matter of the claim of Charley Williams to enrollment as a Creek Freedman, in which the Commission is requested to advise the Department at an early date whether or not the name Charley Williams appears upon any of the Creek rolls now in the possession of the Commission.

Reporting in said matter, the Department is respectfully advised that the name Charley Williams does not appear on the roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, nor upon any of the tribal rolls of the Creek Nation now in the possession of the Commission.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

983

DEPARTMENT OF THE INTERIOR,

WASHINGTON

I T D 5378,7948 1905
LRS

September 30, 1905

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

April 28, 1905, the Commission to the Five Civilized Tribes transmitted to the Department a petition and affidavits for an order directing the Commission to grant Charley Williams a hearing in the matter of an alleged application made by him prior to September 1, 1904, for his enrollment as a Creek freedman.

June 13, 1905 the Commission at the request of the Department, made a further report thereon.

The Department has carefully considered the allegations made in said petition, in conjunction with the records of your office, and is of the opinion that said petition should be denied. The petition of Charley Williams for an order directing the Commissioner to the Five Civilized Tribes to grant him a hearing in the matter of said alleged application for his enrollment as a Creek freedman is hereby denied.

You will notify the applicant accordingly.

Respectfully,

Thos Ryan

Acting Secretary

ANSWER IN REPLY TO THE FOLLOWING:

Ex. 983

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 9, 1905.

Charley Williams,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that under date of September 30, 1905, the Department denied the petition filed by you for an order directing the Commissioner to the Five Civilized Tribes to grant you a hearing, in the matter of your alleged application for enrollment as a Creek freedman.

Respectfully,

Commissioner.

Bn.985

Muskogee, Indian Territory, October 9, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that under date of September 30, 1905, the Department denied the petition filed by Charley Williams for an order directing the Commissioner to the Five Civilized Tribes to grant him a hearing, in the matter of his alleged application for enrollment as a Creek freedman.

Respectfully,

Commissioner.

CR EN 984

CR EN 984

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JULY 7, 1899.

In the matter of the application for the enrollment of
Millie Davis, deceased, as a citizen of the Creek Nation.

APPEARANCES: L. M. Mott, Attorney for Creek Nation.
J. Geety Johnson, Attorney for Applicant.

Through Official Interpreter, Mrs. L. Merrick

Chekota Harjo, or Neddie Wiley, being first duly sworn,
testified as follows:

Questions by L. M. Mott.

- Q: What is your name? A: I have two names.
Q: What are they? A: Chekota Harjo, and Neddie Wiley.
Q: How old are you? A: About 32.
Q: What is your post-office address? A: Yeager.
Q: Are you a Creek Citizen? A: Yes sir.
Q: Have you been enrolled and got your allotment? A: Yes sir.

(By Commissioner)

It appears from the records in possession of this office
that there is on file the affidavit of James Davis and
Salina Davis, ~~which affidavit is considered in the nature~~
~~of an application for enrollment as a citizen of the Creek Nation~~
in the matter of the death of one, Millie Davis, which
affidavit is considered in the nature of an application of
enrollment as a citizen of the Creek Nation.
The date of death as shown by this affidavit is October
4, 1899.

The proceedings at this time are for the purpose of ascer-
taining the exact date of death of Millie Davis.)

Questions by L. M. Mott:

- Q: Do you know Millie Davis? A: Yes sir.
Q: Is she living or dead? A: She is dead.
Q: How near did you live to her? A: About 10 miles.
Q: Are you any relation to her? A: Yes sir, she is my
sister.
Q: Do you know when she died? A: Yes sir, she died October
4, 1899. She died at my house.

(Attorney for the Creek Nation has been misled as to the
information in regard to the testimony in this case,
having been informed that this witness would testify that
this applicant for enrollment, Millie Davis, died prior to
April 1, 1899.)

- Q: How come you to come here? A: I was told that I was to
appear here today and testify in the case.
Q: Who told you? A: Thomas Long.
Q: What did Thomas Long say to you? A: He said you are to
appear at the office of the Commissioner and testify as to
the date of the death of Millie Davis.

- Q: Did you have any conversation with him about when Millie Davis died? A: No sir, only what he told me at that time.
- Q: Did he tell you on what day Millie Davis died? A: No sir.
- Q: Did he ask you? A: No sir.
- Q: Did you understand that Thomas Long desired the attendance of witnesses here, who would give testimony that would tend to prevent the enrollment of Millie Davis.
- A: Thomas Long and another fellow claimed she died sometime after the land office opened, but I know she died October 4, 1899.
- Q: Did Millie Davis die before or after the land office opened?
- A: She died after the Land Office opened.
- Q: Didn't you understand that Thomas Long would swear here, or had sworn that Millie Davis died prior to the opening of the Land Office?
- A: Yes sir, I heard about it. I was told that I was to appear here and testify. They told me I was to appear here today and I came.
- Q: Didn't you understand that Thomas Long wanted witnesses who would testify that Millie Davis died before the Land office opened? A: I know that he wanted witnesses to testify when Millie Davis died.
- Q: And prevent her being enrolled? A: He said he wanted people to testify to the truth.
- Q: Don't you know that Thomas Long was trying to prevent the enrollment of Millie Davis? A: He wanted the witnesses to testify when Millie Davis died and it was to be decided whether she was entitled to enrollment or not.
- Q: Don't you know that Thomas Long was trying to prevent her enrollment? A: I was called upon to tell the truth.
- Q: Please answer the question. A: I was the main witness in the case and they wanted me to testify when she died.
- Q: Don't you know that Thomas Long testified she died before April and before the Land office opened? A: Yes, I heard about it.
- Q: Don't you know that Thomas Long was trying to prevent her enrollment? A: Yes sir.
- Q: When Thomas Long came to you and asked you to come here as a witness, why didn't you tell him on what day Millie Davis died, and that you couldn't help him any?
- A: He didn't ask me. I was to testify to what I knew and he was to testify to what he knew.
- Q: Did you tell him that you knew when she died? A: No sir.
- Q: Why didn't you tell him? A: He didn't ask me, I always told them when anybody asks me.
- Q: Did he tell anybody to have you come down here as a witness? A: No sir. If I wanted to tell him anything I would have gone to his house, we live close together.
- Q: How far apart? A: About a mile.
- Q: How do you know Millie Davis died on the 4th. of October, 1899? A: I know because she died at my house. A: She was my sister and I remember very well when she died.
- Q: Have you any other relatives dead? A: No sir.
- Q: No other kin folks dead? A: No sir.
- Q: Is your father living? A: He died when I was small.
- Q: Is your mother living? A: She is living.
- Q: Have you any brothers? A: I have about 10 brothers.
- Q: Got any dead? A: No sir.
- Q: All living? A: Yes sir.
- Q: Have you got any other sisters? A: I have two.
- Q: Both living? A: Yes sir.
- Q: Got any dead? A: No sir, Millie is the only one dead.

- Q: Are you married? A: Yes sir.
 Q: Have you any children? A: No sir.
 Q: Got any dead? A: No sir.
 Q: Is your wife living? A: Yes sir.
 Q: Was Millie Davis married? A: Yes sir.
 Q: Is her husband dead? A: He is living.
 Q: Did they have any children? A: They had one.
 Q: Is it living? A: It is dead.
 Q: When did it die? A: It died in November 1899 but I wasn't present at the death.
 Q: What day of the month? A: I don't remember the date, it died in November.
 Commissioner:----- It appears from the records of this office that Katie Davis, daughter of Millie Davis, died December 1899.)

Question by L. M. Mott, continued.

- Q: Who made the affidavit in the case of the death of Katie Davis? A: Jim Davis.
 Q: Were you a witness in that case? A: No sir.
 Q: You say she died in November? A: Yes sir.
 Q: Have you got the date of the death of Millie Davis down anywhere? A: No sir.
 Q: What day of the week was it? A: She died Wednesday, the 4th. of October. She died Wednesday morning about 4 o'clock on October 4, 1899.
 Q: Are you as certain about the death of Katie Davis as you are of the death of Millie when it happened?
 A: I am not so sure about the date of Katie's death because the grand-mother had the child and Millie died at my house.
 Q: Did you attend the funeral of both? A: I was at the funeral of Millie but not at the child's.
 The child died about 5 miles away.
 Q: When you came down here as a witness in this matter, did you expect to be paid your mileage and per diem? A: Yes, I was told that I would be paid.
 Q: ~~Did~~ Didn't you know that the Creek Nation was paying witnesses only who would testify against the enrollment of people? A: Yes, I was told that, that was what I was told, and I borrowed \$10 to come over here.
 Q: If you knew they didn't pay only witnesses who would testify in behalf of the Nation what did you come for? A: I was told I would get my money and I borrowed \$10 to come over. I understood whatever way the case was decided, I would get get pay for my appearance here.
 Q: No officer served any subpoena on you, did they?
 A: No sir, I was just told to come.
 Thomas Long was told to get some witnesses and I was asked to appear.
 Q: You knew that Thomas Long was told to get such witnesses as would prevent the enrollment of Millie Davis? A: Yes sir (By Commissioner)
 Q: The records of the Commission show that ~~the allotment~~ an allotment selection has been made for Millie Davis, deceased, do you know where that allotment of land is located? A: Yes sir, I don't know the number of the land but it is near where I live.
 Q: Who is living on that ~~subdivided~~ land that Millie Davis got? A: Cooty Johnson.

- Q: The attorney representing the applicant in this case?
A: Yes sir.
- Q: How do you know the exact date of the death of Millie?
A: I just know it, I remember it, I have never forgotten it.
- Q: Can you read or write? A: I can write the Creek language.
- Q: Can you read the Creek language? A: No sir.
- Q: Do you remember the date that President McKinley died?
A: I heard of it.
- Q: Do you remember the date he was killed? A: No sir, I just heard that he died.
- Q: Then how do you know, if you don't remember the dates of the death of other people, how do you know that Millie Davis died on the date you say?
A: I never will forget that, she was at my house and she was sick. I didn't have any interest in anybody else's death.
- Q: How many years ago, did she die?
(Witness is evidently studying)
A: I don't know just how long, about 6 or 8 years.
- Q: There is some difference between 6 and 8 years. Would she have died 10 years ago? A: No sir. She hasn't been dead 10 years.
- Q: When were you born? A: I never was told.
- Q: Do you know the date of the birth of any of the brothers and sisters you have mentioned? A: No sir, I live on the border of the Seminole line, and I don't know.
- Q: Were any of them born in the same house you were living?
A: No sir.
- Q: You are sure of that are you? A: My wife's children were born there but I don't remember when they were born.
- Q: You remember the date of the death of Millie and you don't remember any other dates, isn't it a fact that someone told you to testify and gave a certain date for you to testify to? A: No sir, I wasn't told to testify, I just know because she died on that date, I am a member of the church and I want to tell the truth.
- The dates of the births of my wife's children are recorded but I don't know what it is.
- Q: Did Millie die in the Spring? A: She died in the fall of the year, October.
- Q: How do you remember that it was in October, did you make any record of it? A: No sir, I didn't make any record of it but I remember it.
- Q: This man that rented the land that was allotted to Millie, who has he paid rent to? A: Jim Davis.
- Q: A brother of yours? A: My brother-in-law.

Questions by J. Cooty Johnson, Counsel for Applicant.

- Q: President McKinley was no relation of yours was he? A: No sir.
- Q: When Thomas Long told you you were wanted down here as a witness, did he state what you should testify? A: No sir.
- Q: He told you to tell only what you knew about it, to tell the truth about it? A: Yes sir.
- Q: Thomas Long didn't tell you that if you didn't tell you that if you didn't testify against the enrollment of Millie Davis, you wouldn't get paid, did he? A: No sir. I was told that we got paid for appearing here, all the witnesses, no matter whether it was against or for the application, that we would all get paid and I could get home and pay the fellow I borrowed the money from.
- Q: You borrowed the money to come down here did you? A: Yes sir

- Q: Who helped you borrow that money? A: Thomas Long.
Questions by Commissioner:
Q: Do you remember of appearing before the Notary for the purpose of signing an affidavit in regard to the death of Millie Davis? A: I don't think so.
Q: Didn't you appear before the Notary Public, J. C. Johnson and sign an affidavit by mark, in regard to the death of Millie Davis? A: I don't remember.
Q: Who is this J. C. Johnson, is he living at the present time do you know? A: Yes sir, he is sitting here.
Q: He is the Attorney for applicant in this case, is he?
A: Yes sir. He has never told me he is a lawyer, but I guess he is.

Questions asked J. Cooty Johnson, counsel for applicant by Commissioner:

- Q: The affidavit appearing in this case seems to have been attested before J. C. Johnson as Notary and is conceded to be in his hand-writing, do you remember the circumstances of these people coming before you?
A: Just in a general way. I would know my signature if I was to see it.
Q: Is that your signature? (Showing witness, affidavit)
A: Yes sir.
Q: Is that you writing in the body of that affidavit?
A: Yes sir, that is it all the way through, yes sir.
Q: Mr. Johnson would you inform this office as to what the consideration was as to making out this affidavit? A: Yes sir, gladly.
Q: How much? A: 25 cents. For each acknowledgment, that is what I have charged these people.
Q: Is that all you received for this affidavit? A: That is all I received for it.
Q: Are you living on the land you were living on when you made that affidavit? A: Yes sir. I am a citizen of the Creek Nation, I had more land than I was entitled to allot, I had this portion, the portion that Millie Davis finally filed on, reserved from allotment on account of having a seminoles child for whom I had made application to have enrolled as a Creek citizen. After the application was denied, these people came to me asking permission to file on this land, and under the terms of our agreement with the United States Government, I understood that I would have a perfect right to dispose of my improvements, but no other citizen of the Creek Nation. They made the application, that is the death affidavit before me and came down here in company with me and made a selection of the allotment over there in the other room. Since the application was made and the memorandum was turned over to Millie Davis's husband, Jim Davis, I have been paying Jim Davis annually a royalty on this land.
Q: Have you entered into any contract with these people for the purchase of this land? A: Nothing written, no sir.
Q: Did you make any verbal agreement with them? A: Yes sir, they were to give me the refusal of it, if it became possible for them to sell.
Q: What conversation did you have with this witness before you appeared here today in regard to him appearing?
A: Nothing any more than since last October I was approached at Okmulgee by Jim Davis with reference to this matter that the enrollment had been held up by these parties and

there was to be a further investigation, and he asked me to represent them and I knew this man was a brother of the deceased woman and last Tuesday he came to me and said he was trying to raise money to come to Muskogee, I asked him what he was coming for and he told me that the witnesses had been called in Millie Davis's case, that is the first I knew about it. I had an understanding with Mr. Mol 1 and Mr. Posey that they were going out in the field and the testimony would be taken there, and for some reason it was never done and the call was for here.

- Q: It seems to be your handwriting in the original affidavit of death, do you know anything about the date of death of this person? A: I don't know that I even knew Millie Davis, no, I don't know anything about it.
- Q: Do you know about this date in here just upon their statements? A: Yes sir.
- Q: Do you know how they arrived at the conclusion that she died on the 4th. day of October, insted of some other date? A: I don't know sir.

Thomas Long being first duly sworn, testified as follows:
Through Sworn interpreter, William McCombs.

Questions by L. M. Mott, Attorney for Creek Nation.

- Q: What is your name? A: Thomas Long.
- Q: How old are you? A: About 50.
- Q: What is your post-office address? A: Yeager.
- Q: Are you a citizen by blood of the Creek Nation? A: Full blood.
- Q: Were you acquainted with one Millie Davis? A: Yes sir.
- Q: Was she a citizen by blood of the Creek Nation? A: Yes sir, full blood.
- Q: Was she married? A: Yes sir, she was married but they were separated when she died.
- Q: What was the name of her husband? A: Jim Davis.
- Q: Do you know a person named Salina Davis? A: Yes sir, I know her.
- Q: What relation was she to Millie Davis? A: She was Jim Davis' mother.
- Q: Do you know when Millie Davis died? A: Yes sir.
- Q: Can you give the date of her death? A: Yes, I think I can give it.
- Q: What was it? A: She died in 1898.
- Q: Can you give the month or day of the month? A: 29th. day of October.
- Q: Do you remember when the Creek Land office was opened, filing on land was begun? A: Well I think I can come very near it.
- Q: Well when was that? A: 1899, April 1899.
- Q: Was Millie Davis living at the time of the opening of the land office? A: She was dead.
- Q: Did you live near her during her life-time? A: She lived some distance from me, but her brother lived near me and she came to her brothers and died at her brother's.

- Q: How far did you live from her brother's at the time of her death? A: About a mile.
- Q: Did you see her when she was sick and on her death bed?
- A: Yes, I visited her pretty near every night.
- Q: Were you present when she died? A: Yes sir.
- Q: Were you present at her burial? A: Yes sir.
- Q: Where was she buried? A: She was buried in her brother's yard.
- Q: In her brother's yard? A: In Neddie Warden's yard.
- Q: Was there a head-board put over that grave? A: Yes sir.
- Q: Were there any marks put on that headboard indicating the date of her death? A: Yes sir, but it has rotted down.
- Q: Do you remember of seeing the writing on that head-board?
- A: Yes sir.
- Q: Could you read it? A: I didn't read it but I knew the figures.
- Q: During whose administration as chief of the Creek Nation did Millie Davis die?
- A: I think it was probably Catochmarthle.
- Q: Who was the chief who immediately followed Catochmarthle?
- A: Porter.
- Q: Was Catochmarthle called by any other name?
- A: He was often called Ispashecher.
- Q: Who was chief at the time of the opening of the Creek Land office? A: Porter.
- Q: Was Catochmarthle called by any other name?
- A: He was often called Ispashecher.
- Q: Who was Chief on the opening of the Creek Land office?
- A: Porter.
- Q: Was there any other circumstances that make you remember that Millie died at the time you state?
- A: All that I can know about it was the figures that I saw on the head-board. That is all I know about the circumstances.
- Q: Do you base your knowledge as to the date of her death upon the fact that she died prior to the opening of the land office? A: Yes sir.
- Questions by L. M. Nett.
- Q: Do you know Checotha Harjo, the witness who was examined here a minute ago?
- A: Yes sir.
- Q: Did you have him to come down here as a witness? A: Yes sir.
- Q: What did you say to him about coming down here as a witness and testifying in this matter? That the department wanted to know correctly as to the death of his sister and I wanted him to come down and testify in regard to it because she had died at his place.
- Q: Did you have a letter from me and instructions from him in regard to this matter? A: Yes sir.
- Q: Have I talked to you about this matter several times?
- A: Yes sir.
- Q: I have written you several times about this haven't you I.
- A: Yes sir.
- Q: Did you understand that the Creek Nation didn't want witnesses except those that would testify in such a way as would prevent the enrollment of a party? A: Yes sir.

- Q: Don't you know the object of being witnesses here, you and the other witnesses that came here was to get people off the roll who had made application and were admitted?
- A: Yes sir.
- Q: Don't you know the Creek Council had made an appropriation to pay such witnesses as would defeat these people for enrollment? A: Yes, I knew something about it.
- Q: Did you ask Chesetha Harge or make any inquiry as to when this woman died? A: No sir.
- Q: What did you have the witness to come here for unless you knew what he was going to swear? A: My reason is, that she died at his house and I knew about it and I thought he ought to testify.
- Q: How do you expect to pay witnesses that come here and testify to such a state of facts as tends to establish their enrollment? A: I don't know.
- Q: Don't you know you were instructed to bring only witnesses here to prevent the enrollment of this party?
- A: Yes, I thought these were the only witnesses to be paid that would prevent the enrollment.

Questions by Commissioner:

- Q: You say you were at the house during the last illness of Mi Millie Davis and that you were there when she died and that you attended the burial? A: Yes sir.

- Q: Would you have as correct knowledge of the date of death of Millie as would Chesetha Harjo? A: I think so.

Questions by L. M. Hett: Attorney for Creek Nation.

- Q: You made the original affidavit down to the National Attorney upon which the motion was made to open this case?

A: Yes sir.

- Q: What was your object in bringing a witness here who would contradict you? A: I don't know.

- Q: By what circumstance do you fix the date of Millie Davis's death as being October 29, 1898? A: I remember the figures that were put on the head-board of her grave. I knew it by that, by reading the figures.

- Q: Do you remember it in connection with the opening of the land office? A: Yes sir, it was before the land office was opened.

- Q: When was the land office opened? A: In April 1899.

- Q: Are you satisfied in your own mind that the land office had not opened when Millie Davis died? A: Yes sir.

- Q: Have you got any feeling in this matter? A: No sir.

- Q: What was your purpose in making the affidavit originally?

A: My reason was that it was very well known where citizens were entitled to enrollment and at a certain time they were debarred, and I was satisfied in this case that they would be debarred.

- Q: There was a small-pox epidemic raging in that country, do you remember that? A: Yes sir, I heard of the small-pox being in the western portion kind a south-west portion.

- Q: How far was that from where you lived? A: Well 25 or 30 miles about.

- Q: Have you ever had the small-pox? A: Yes sir, I had the small-pox about 3 years after that.

- Q: With relation to this small-pox epidemic when it was raging south-west of you about 25 miles, did Millie Davis die before or after that time? A: It was before that she died.

- Q: Do you know Heus Pixico?

A: There are two, I don't know which one you mean.

- Q: Do you know the one that lived in this small-pox range?

A: Yes sir.

- Q: Did he lose any children or members of his family in that epidemic? A: I don't know.

Q: Did Millie Davis die before or after you filed?

A: It was sometime before I filed.

Q: When did you file? A: About 1900.

(Statement by Commissioner).

There appears among the records of the Commission an old Creek Census card No. 2924, family No. 496, and on this card appears the name of James Davis as the head of the family. The members of the family, being Millie, the

wife of James Davis, and Katie, his daughter.

There is nothing on this card to indicate that any of the members of the family were dead at the date the said card was written.

The probable date on which this card was written may be approximated by the reference to the records of the disbursing office showing payments made to the members on this date and the date of their return to the office at Muskogee.

Questions by L. M. Mott, continued.

Q: Do you have any recollection of a field party coming into that section of the country in the fall of '98 or the spring of '99 taking the applications of different parties?

A: I think I can recollect it.

Q: What year and season of the year was it, do you remember?

A: Well the season, I think it was in the summer time.

Q: What year? A: 1898.

Q: Did Millie Davis die that fall or the fall after that, the fall that this field party was there? A: That fall.

Q: She died the fall the field party was there? A: Yes sir.

Q: Was your name taken by that party? A: Yes sir.

Q: Was Millie Davis alive then? A: Yes sir, she was alive.

Q: What month do you think your name was taken by that party?

A: It was in March or April but I am not certain about that.

Q: Do you know the year? A: 1898.

Q: Was she alive at the time your name was taken? A: Yes, she was alive and in bed, she had consumption. She died with consumption.

Q: Was that in the spring of the year? A: Yes sir.

Q: March or April? A: It was about March or April.

Q: In the following fall, you say she died? A: Yes sir.

Questions by J. C. Johnson, attorney for applicant.

Q: Did you say you remember the date of the death of Millie Davis? A: Yes sir.

Q: What is it that makes you remember the date of her death?

A: I knew by the year.

Q: I want to know what circumstances or circumstance is it that refreshed your memory and makes you so certain?

A: The circumstance is the figures on the head-board.

Q: How were you present when these figures were put on there?

A: Yes sir.

Q: Who was it that wrote this inscription on the head-board?

A: I think it was Dave Kunnel.

Q: Was this written in English or in Indian? A: In Creek.

Q: Do you read the Creek language? A: Very little.

Q: Now you say that this inscription was written on this head-board, go on and state what words composed that inscription?

A: The inscription was that Millie Davis died October 29, 1898.

- Q: Now you stated that you lived near to Millie Davis's brother or the place where she died, was there any other circumstance except this writing on the head-board that would cause you to be as certain of her death? A: That is the only circumstance that I know.
- Q: Now do you remember of anybody else dying in that immediate neighborhood about that time? A: No sir.
- Q: No other person? A: No sir.
- Q: Have you lost any of the members of your family? A: Yes sir, I have lost two children.
- Q: What were their names? A: Lena was one of them. Che Parney was the other.
- Q: Which died first of these two? A: Che Parney died first.
- Q: When did Che Parney die? A: 1896.
- Q: What month? A: I don't know exactly what month it was.
- Q: What day of the month was it? A: I don't know.
- Q: When did Lena die? A: Same month.
- Q: What month was that? A: I don't know.
- Q: Where were you when Lena and Che Parney died? A: I buried them.
- Q: Did you put a head-board over them with inscriptions on them? A: No sir.
- Q: Was it the custom to put a head-board over some of your children and not over the rest of them? A: Yes sir.
- Q: These children died at your house did they not? A: Yes sir.
- Q: They were your children? A: Yes sir.
- Q: You don't remember the date of their death? A: No sir.
- Q: But you remember exactly the date of Millie Davis's death? A: Yes sir.
- Q: Was Millie Davis any relation of yours? A: No sir.
- Q: Who was chief of the Creek Nation when your children died? A: I don't know, probably it might have been Samuel Chechota but I don't know.
- Q: Who was chief of the Creek Nation when Millie died? A: Probably Isparhecher was.
- Q: How long had he been chief when Millie Davis died? A: About the third year.
- Q: What year was Isparhecher elected chief of the Creek Nation? A: I don't know what year it was.
- Q: Is it not a fact you were an officer and elected as a member of the Creek Council at the same year Isparhecher took his seat? A: I think not.
- Q: Were you ever a member of the Creek Council? A: Yes sir.
- Q: When was it? A: It was during Porters administration.
- Q: What month and what year was it? A: 1899 I was elected as a member.
- Q: What month of the year was it when you were elected? A: It was about September.
- Q: What day in September? A: It was the second Tuesday in September.
- Q: Does he say that positively or about that time? A: About that time.
- Q: You don't know positively then when you were elected do you? A: I don't know positively.
- Q: Now you might have been elected to a seat in the council in 1898 might you not? A: Probably so.
- Q: You made an affidavit did you not relative to the death of Millie Davis to have this case re-opened? A: Yes sir.
- Q: In that affidavit did you not state that you had talked with several people relative to the death of this woman Millie Davis? A: I think I did not say that.

- Q: Did you not state also that you could bring relatives of Millie Davis here who would testify she died prior to April 1, 1899? A: I said that and Neddie Watte is here now.
- Q: Neddie Watte is the witness you relied on to prove that Millie Davis died prior to April 1 1899 is she?
- A: Yes sir.
- Q: You stated a while ago that Millie Davis died before those parties had the small-pox in the Creek Nation, did you not?
- A: Yes sir.
- Q: What year was the small-pox epidemic? A: I don't know positively but probably it was in '99.
- Q: You had the small-pox about that time, didn't you? A: I think not.
- Q: You did have the small-pox though, did you not?
- A: Yes sir.
- Q: When did you have the small-pox? A: Probably in '98 but I don't know. I don't know exactly what time it was.
- Q: Can't you fix the date about when you had the small-pox? Or do you want me to understand you don't know when you did have it? A: I don't know.
- Q: What month of the year was it when you had the small-pox?
- A: I don't know what month it was.
- Q: But you had the small-pox since Millie Davis died, haven't you? A: Sometime after Millie Davis died.
- Q: Will you please explain if you can, how you can remember a ~~the~~ circumstance that happened a long time before you had the small-pox and you can't remember the day of the month or year when you yourself was afflicted? A: My knowledge is from what other people said.
- Q: You heard ~~some~~ ~~somebody~~ else state then when Millie Davis died did you? A: Yes sir.
- Q: Who was that person? A: Neddie Watte told me that Jim Davis and Gooty Johnson were insisting upon having this person enrolled and filed and Neddie Watte, told me about it.
- Q: Did Neddie Watte tell you at that time on what date Millie Davis died? A: Yes sir.
- Q: What year did he say? A: He told me she died October 29, 1899.
- Q: So then you rely on the statement told you by Neddie Watte about the death of this woman do you? A: My knowledge and from what he told me and the head-board.
- Q: Did you not state a while ago that you had no other circumstances to refresh your memory as to the death of this woman except there was an inscription on the head-board.
- A: I did say that but Neddie is connected with it and that statement too, that is why I made that statement.
- Q: Did you make an application for the selection of an allotment? A: Yes sir.
- Q: Did you make it prior to Jim Davis's application for Millie Davis? A: I don't know.
- Q: Who made that application to be enrolled first, you or Jim Davis, for ~~the~~ Millie Davis? A: I don't know because I didn't notice.
- Q: Those two children of yours, Lena and Cheparney are the only people that ever died in your immediate neighborhood that you know anything about are they? A: Yes sir.
- Q: You have no other near relatives that have died since then?
- A: Several of them have died.
- Q: Name one or two please? A: Litka Scott.
- Q: What relation was Litka Scott to you? A: Full sister.

- Q: How long has it been since Litka Scott died. A: About 4 years.
- Q: What month did she die in? A: She died in December.
- Q: What day of the month? A: On the evening of December 24.
- Q: What year? A: About 1900.
- Q: You are certain it was in 1900 are you? A: I think so.
- Q: Were you there when she died? A: Yes sir, I was there.
- Q: How far did you live from her? A: About a half mile.
- Q: You are certain she died then on the 24th. of December are you? A: Yes sir.
- Q: How what other relatives of yours died? A: Sammy.
- Q: What was his name? A: Sammy Long.
- Q: How long has it been since Sam died? A: 5 or 6 years ago.
- Q: In what month did he die? A: About July.
- Q: What time in July? What date of the month in July?
- A: About the 21st of July.
- Q: In what year does witness fix it? A: 1899.
- Q: How long had Sammy Long been dead before Willie Davis died?
- A: Sam was living when Willie died.
- Q: Well those are the only two people that you remember in your family that died are they? A: Yes sir.
- Q: Did Litka Scott have any children? A: She had several.
- Q: Are they living? A: They are dead.
- Q: Are any of the children living? A: There are two living.
- Q: What are their names? A: Nancy Scott and Lucy Scott.
- Q: What are the names of those who are dead? A: Kizzy Scott, Amy Scott and Fanny Scott.
- Q: Which one of those died first? A: Fanny Scott.
- Q: So the dead children are Kizzy, Amy and Fannie Scott, is that right? A: Yes sir.
- Q: Which one of those children died first? A: Fannie.
- Q: When did she die? A: I don't know exactly when she died.
- Q: Where did she die? A: I don't know exactly where she died.
- Q: Do you know where she was living? A: She was at home.
- Q: Where was home with reference to where you live? A: About a half mile South of where I live.
- Q: Were you present when she died? A: No sir.
- Q: Where were you when she died? A: I was for cattle towards Guthrie.
- Q: What year did Fannie die in? A: I don't know.
- Q: Don't know what month it was? A: No sir.
- Q: Which was the next one that died? A: Kizzy.
- Q: Where did Kizzy die? A: Near Eufaula.
- Q: How long has it been since Kizzy died? A: I don't know.
- Q: What year was it when she died? A: I don't know.
- Q: What month was it? A: I don't know.
- Q: Well now which was the next one that died? A: Amy.
- Q: Where did Amy die? A: She died at home.
- Q: How far was that from your home? A: A half mile.
- Q: How long has it been since Amy died? A: About 5 years.
- Q: What month did she die in? A: In August.
- Q: What day of the month? A: About the 14th.
- Q: Are you certain now that it was on the 14th. of August?
- A: Yes I think I know.
- Q: Well I want to know if you are stating this positively or are guessing at it. A: Well I am guessing at it.
- Q: About what year was it then? A: '99.
- Q: In 1899 about 5 years ago? A: Yes sir.

Questions by Commissioner:

- Q: Is it the custom to put head-boards at the graves of children as well as at the graves of grown persons?
- A: Yes sir, it is the custom.
- Q: Were there head-boards put at the graves of these various people that you have testified about? A: Yes sir.
- Q: Why ~~was~~ is it that the date of the death of Millie Davis was impressed upon your mind and you remember it, whereas you don't remember the dates of death of these other people?
- A: We Indians don't know everything.
- Q: You stated a while ago that the reason that you knew that this woman Millie had died prior to the opening of the Land Office was that you remembered the date on the head-board and you remembered the date when the land office opened, is that correct? A: Yes sir.
- Q: Did you have a conversation with Chechota Harjo, a witness in this case, did you talk with him before you sent in the affidavit to the Creek Attorney in regard to re-opening this case? A: Yes sir, before the affidavit.
- Q: What did Chechota Harjo tell you about this matter?
- A: Chechota Harjo told me that she had died before the time but they were trying to get him to help them filed for this deceased person.
- Q: Did Chechota Harjo tell you that James Davis and this Notary Cooty Johnson who now appears in this case, were trying to get this woman enrolled even though she was not entitled, did he tell you that? A: Yes sir.
- Q: Have you had a talk with Chechota Harjo since then?
- A: Yes sir, we have talked.
- Q: Has he told you anything further about James Davis or Cooty Johnson? A: Yes sir, he told me that the land has been leased to Cooty Johnson and pretty good improvements are being put on it.
- Q: Has Cooty Johnson told you or has he made any statements to the effect that he has been offered any money to change his testimony in this matter? A: No sir, he hasn't told me.
- Q: But you now swear that he did tell you that that woman died before the land office opened and was not entitled is that what you swear to? A: Yes sir.
- Q: And that is the same Chechota Harjo who appears here today on behalf of Millie Davis to see that she gets enrolled is that right? Is that the same man? A: He is the same man who has come here as a witness.
- (Statement by Attorney for Applicant)
- (Attorney for Applicant objects to the question and answer for the reason that applicant did not solicit Chechota Harjo's presence here nor did he know what he would testify until he was on the stand.)
- Q: Are there any other persons in your neighborhood who would have knowledge as to the exact date of the death of Millie?
- A: Chechota Harjo knows more about it than anybody.
- Q: Do you think that Chechota Harjo was testifying correctly in the testimony he gave this morning? He was if his testimony corroborates that what I said.
- Q: Do you think his testimony was correct when he states that Millie died on October 24, 1899, after the land office opened? A: No sir, that is not right. That statement is somebody else's suggestion.
- Q: Do you know of any other cases in which Chechota Harjo has testified in which his testimony is not warranted by fact?
- A: No sir.

- Q: Has Checheta Harjo ever been indicted for any offenses?
A: Yes sir, he has been indicted.
Q: For what was he indicted? A: Larceny, he was charged with larceny, stealing cattle, he was accused of that and sat in jail a good long while.
Q: Was he acquitted or convicted? A: He was acquitted.

Here the hearing was discontinued at 12 o'clock.
1.30 P.M. Hearing of above case continued, as follows:

Statement on behalf of the Commissioner.

The records of the Commission examined and the name of Litka Scott appears on Creek Indian Card No. 1520, date of death of said ~~Litka Scott~~ Litka Scott as shown on said card ~~is~~ is December 28, 1902.

The name of Emma Cornells daughter of said Litka Scott also appears on said card and the date of death is shown to be April 26, 1901.

The name of Kizzy Scott, Creek Indian Card field Number 571, and it is not shown by said card that Kizzy Scott is dead.

The name of Sam Long appears on Creek Indian Card, field No. 1713, there is no record on said card that he is dead.

Lawyer Deere, being first duly sworn, testified as follows:

Through sworn interpreter, Wm. McCombs.

Questions by Commissioner:

- Q: What is your name? A: Lawyer Deere.
Q: How old are you please? A: About 46.
Q: What is your post-office address? A: Yeager.
Q: Are you the Lawyer Deere who signed the affidavit on the date of August 16, 1904 and in which it was said that one Millie Davis died prior to April 1, 1899? A: Yes sir.
Q: Were you acquainted with Millie Davis? A: Yes sir.
Q: How long did you know her? A: I knew her when she was quite small.
Q: Did you know her continuously up to the time of her death? A: Yes sir.
Q: How old was she when she died? A: Probably 20 years of age.
Q: How far did you live from her during her lifetime? A: She lived in different places, but the nearest she lived to me was about 4 miles and she lived there about 2 years.
Q: Did you live near her at the time of her death? A: She died near my place.
Q: Did you see her on her death bed? A: I did not.
Q: Did you attend her burial? A: I wasn't present at the burial.
Q: Did you see her grave immediately after she was buried? A: Yes sir.
Q: Was there a head-board on that grave? A: I don't know because they had built a house over it.
Q: Did you ever see the head-board or any inscription on the head-board or on the house showing the date of the death? A: The grave house had enclosed the board and I did not see it.
Q: Well do you know when she died? A: It was in the year that they called the Porter Bill or the Porter treaty was made it was that year.
A: The first treaty that was made by the Indian Commission and the United States it was in that year, and in fall in October (he) came to the Creek Council.

- Q: What year was that? A: It was 80 something.
(Witness means '95)
- Q: Do you think it was in the year 1898? A: I am not certain but it is my impression that it was that year.
- Q: When you attended that counsel and during which time you said this Millie Davis died was that before the opening of the land office? A: They had not opened the land office then.
- Q: Then you don't know the exact date of the death of Millie
A: I do not know the exact date.
- Q: But you are certain she died prior to April 1, 1899, the opening of the Creek and office are you? A: Yes sir.
- Q: Did you have a conversation with Chechota Harjo the witness who appeared here this morning, prior to your filing of that affidavit with the Creek Attorney?
- A: Yes sir, he talked about it.
- Q: That was sometime in the year 1904, did you talk with Chechota Harjo at that time? A: No sir.
- Q: Have you had any conversation with this Chechota Harjo in the last 2 or 3 years in regard to the date of death of Millie? A: Jim Davis told me they have talked about this case and he told me they had not been a legally married, and he should have looked after it instead of him, that is Davis.
- Q: Did Chechota Harjo at any time tell you that Millie had died before the opening of the land office and was not entitled? A: Yes sir that is what he said, that is what he told me.
- Q: Did he tell you that before you filed the affidavit referred to before the Creek Attorney? A: Before.
- Q: Have you had any conversation with him in the past few days in regard to the matter? A: He told me so yesterday.
- Q: What did he tell you yesterday? A: He repeated the same thing and told me that was his statement before, that he wasn't entitled to enroll and he told me that that was his knowledge about it and he would have to testify in favor of the Creek Nation.
- Q: You told Chechota Harjo that if that was his knowledge that Millie Davis had died prior to April 1, 1905 you would have to testify for the Nation did you?
- A: Yes sir.
- Q: Are you related to any of the members of this family, to James and Millie Davis? A: No sir.
- Q: Have you any interest in the case? A: No sir.
- Q: Are you friendly with James Davis or the members of this family? A: Yes sir, there is nothing between us.
- Q: What was your object in filing the affidavit you did in 1904 with the Creek Nation Attorney?
- A: The Commission asked me once about the parties that died prior to the opening of the land office and I had reported to the commission about the matter.
- Q: Was it your object to testify in order that those that were not entitled should be stricken from the rolls?
- A: Yes sir, that was the object, because I was so informed by the commission.
(Counsel for Applicant objects to the question and answer for the reason that it is leading, leading.)

Questions by Creek Attorney, L.M. Mott.

- Q: Do you know when the small-pox epidemic raged around Nevis Fixico and his crowd? A: Yes sir.

Q: Do you know whether Novis Pixico lost several children by that scourge? A: Novis Pixico told me not a long afterwar

that he had lost several children from the epidemic but I didn't ask him the names of the children.

Q: With relation to that scourge or epidemic did Willie Davis die before or after that? A: (by John Verrick) Having over the parties that died at the same time and he reported that they all died at the same time.

Q: What are their names? A: Washburn, Maggie Larney, Hoke Larney, Mechisey. ~~There were several small children but I don't remember their names.~~

Q: Did these parties die before or after the small-pox?

A: Not long after the small pox epidemic these parties died.

Q: Was the small-pox raging when they died? A: (No answer)

Q: Do you remember when the field party came around about that time, somewhere along there, do you remember? A: Yes sir.

Q: Was that before Willie died or afterwards? A: It was after she died and they asked me who had died and I reported the names who had died.

Q: Did you hand in your name to the field party at that time?

A: Yes sir.

Questions by Commissioner.

Q: Do you remember at what point you appeared before the field party, do you know the name of the town? A: Eufaula.

Q: How long before you appeared before the field party at Eufaula had Willie died? A: 2 or 3 years.

Q: Do you remember whether you appeared before the field party in the year 1898 when they went through? A: I don't remember when they were at Holdenville.

Q: Do you know whether Willie was dead when that field party went through in the fall of 1898?

A: She was dead and I reported that she was dead.

Q: Do you refer to that field party of 1901, that she died before them or did you say she died before the field party went through in the year 1898?

A: It was only once. That is, appeared only once before the field party.

Question by J. V. Ott, Attorney for Creek Nation:

Q: Do you remember the gentleman sitting over there? (Referring to Mr. E. Verrick), was he with the field party at Eufaula?

A: Probably he was there?

Q: Was that 1901, they were at Eufaula? A: If that was the time they were there probably that was the time.

Q: Was it 2 or 3 years before that that Willie died? A: About 2 or 3 years.

Q: Do you remember any other field party? A: Probably there was but I don't know.

Q: Do you remember it? ~~xx~~ Do you remember any other field party except in 1901 at Eufaula? A: There was a field party at Holdenville.

Q: Did you go to them? A: No sir.

Q: That was the only field party you appeared before, that was at Eufaula? A: I was sent by John Jacob to Eufaula.

Q: Were you to any other field party except to the one at Eufaula? A: No sir.

Q: It was at that field party you reported several of these parties who died prior to April 1, 1899? A: Yes sir.

Q: Did you report at that time Willie Davis? A: Yes sir.

Q: That was in 1901 was it? A: Yes sir, about that time.

- Q: Do you remember any camp meeting that was going on at that time? A: Yes sir.
- Q: Billy McCombs wife's funeral was preached at that meeting wasn't it? A: Yes sir.
- Q: You at that time in 1901 reported to the commission that Willie Davis had died prior to April 4, 1899? A: Yes sir.
- Q: Are you friendly with all of these parties, have you any feeling against any body interested in this matter?
- A: No feeling whatever.
- Q: The party who testified this morning, Harjo, the brother of the applicant, has he ever been indicted for anything?
- A: They put him in jail.
- Q: Was he indicted for anything? A: Yes sir.
- Q: What was he charged with? A: Indicted for stealing cattle.
- Q: Was he acquitted or convicted? A: He was acquitted, then somebody else was convicted and he was discharged.
- Q: Were you a committee for a member of ~~xxxxxx~~ of council.
- A: Every time I was the committee, I always went, but this last election I told them I wasn't going to be a committee and I wasn't.
- Q: When was the last election? A: About 3 years ago.
- Q: Well the time of the Eufaula meeting when you told them that Millie Davis died, that was before that election 3 years ago, wasn't it? A: Yes sir.

Questions by J. Cooty Johnson, Attorney for applicant.

- Q: How long were you a member of the Council? A: 6 years.
- Q: When were you last elected as a member of the council?
- A: Two years during Isparetcher's administration.
- Q: What town do you belong to? A: Tuckabatchee.
- Q: Was Thomas Long a member of the Council at that time?
- A: No sir.
- Q: Now about that head-piece on that grave over there, when did you last see that board with that inscription?
- Q: I never did see it there was a house made over it and I didn't see it.
- Q: How long had the party died before you saw the house over the grave? A: About ten days.
- Q: Whereabouts is that grave, Millie Davis's grave? A: At Neddie Wartee's place.
- Q: Is Neddie Wartee the same as Chechote Harjo? A: Yes sir.
- Q: When did you last see this grave? A: I haven't seen it lately.
- Q: How long ago has it been, a month? A: Sometime last spring I saw it.
- Q: Was there still a house over the grave when you saw it?
- A: I didn't notice. I went to the place and the graveyard probably at the edge of the ~~xxxxxx~~ yard and saw what I thought was the grave but I didn't pay any attention to it.
- Q: Now you don't know whether Millie Davis was buried on the edge of that yard do you?
- A: Willie was taken to Wartee's place and she died there but probably she was buried some other place, I don't know.
- Q: Didn't you state a while ago, you knew about the time Millie Davis died? A: Yes sir.
- Q: Did you not also state that she was buried in Chechota's ~~xxx~~ Harjo's yard. A: I said she was buried there and I still believe that she was buried there.
- Q: So you don't know for certain where she is buried?
- A: I think I know Millie Davis's grave but there is a whole lot of graves in Chechota Harjo's yard and I am satisfied that she is buried there.
- Q: You say you went to this place about ten days after the woman was buried didn't you?

- A: Yes sir, about ten days after her death I returned home from the council.
- Q: And this grave was pointed out to you as the grave of Millie Davis was it? A: It was not pointed out to me but I saw the new grave and supposed it was Millie's grave.
- Q: That grave was covered like all the rest of the graves in that yard was it not? A: They were differently covered.
- Q: Q: All of the graves in that yard were covered with little houses or coops over them wasn't they? All of the graves in that yard were covered with houses were they not?

Commissioner requests that the attorney for applicant in questioning witness, should not imply what the answer should be in the first part of his question and perhaps it would be better that the last question should be asked in this way.

- Q: Were the grave houses in this cemetery all covered?
- A: They were all covered.

Questions by Attorney for applicant.

- Q: Could you see any head-piece or inscription protruding from any of those graves? A: I didn't pay any attention to it.
- Q: Did I understand you to say a while ago that John Jacobs told you to report the dead ones in your town when you went before the Commission? A: Yes sir.
- Q: Did John Jacobs know of the death of Millie Davis at that time? A: Yes sir.
- Q: What official position if any did John Jacobs hold in the Creek Nation with reference to your town? A: He was a member of the House of Kings.
- Q: Now did you have a record of the list of dead ones in your town? A: I didn't have any.
- Q: Did John Jacobs have such a record? A: I don't think so he just verbally reported.

Questions by Commissioner:

- Q: Could there have been any graves in the cemetery in which Millie was buried that could not have been covered, that possibly you did not see? A: It was a pretty big cemetery and I couldn't tell whether there were any uncovered ones.
- I I didn't go between all of them but it was just pointed out to me that it was one particular grave, but I didn't get to go between them.
- Q: What time of the year in 1898 did you attend that council?
- A: It was in October.
- Q: When did you return from that council meeting?
- A: The council was divided and I returned home about the 15th.
- Q: About the 15th. of what? A: October.
- Q: Was Willie Davis dead when you returned? A: Yes sir.

Questions by L. M. Mott, counsel for Creek Nation.

- Q: What do you mean by saying council was divided?
- A: They had had an election and they were going to open the returns and they made an adjourned council of it.

Questions by J.C. Johnson, counsel for applicant:

- Q: Do you mean by that that they didn't hold a full 30 days?
- A: Yes sir.

Questions by L. M. Mott, attorney for Creek Nation.

- Q: You say Willie Davis was dead when you went back? A Yes sir
- Q: Did you go back to the council after that?
- A: Yes sir, I returned to the council
- Q: Do you know what year that was? A: I don't know exactly the time.
- Q: Was it before or after the land office opened? A: It was before the land office opened.

Thomas Long being recalled, testified as follows:
Questions by J. Cooty Johnson, attorney for applicant:

Through sworn interpreter Wm. McCombs.

- Q: Where did you say Millie Davis's body was buried?
A: In Neddy Vattos's yard.
Q: Do you mean Chechota Harjo? A: Yes sir.
Q: Were there any other graves in that yard? A: Many other graves.
Q: When was the last time you visited that grave-yard? A: I see the graveyard pretty near every day.
Q: When was the last time you saw that grave of Millie Davis?
A: I am not able to tell you.
Q: You don't know when was the last time you saw it, was it a month ago? A: Not quite a month ago, it was when I ride I see it and every time I pass I see the grave yard.
Q: When is the last time you were past that road?
A: About 2 weeks ago.
Q: What day of the week was it? A: On Monday.
Q: Now what was the condition of that grave at the time when you last saw it? A: A house had been built over it and it had rotted, and the edge of the grave was sunken or level.
Q: Do you mean to say by that that at this time there is no house over that grave, is that right?
A: Yes sir, it is all rotted down, there is no house on it.

Chechota Harjo, recalled by Counsel for applicant, J. Cooty Johnson, testified as follows:
Through sworn interpreter, Wm. McCombs.

- Q: You, I believe testified in this case in the fore-noon did you not? A: Yes sir.
Q: I will ask you if you know Thomas Long?
A: Yes sir.
Q: Did you have any conversation with Thomas Long in reference to the death of your sister? A: No sir.
Q: Did you ever have a conversation with Thomas Long in which you said to him that Jim Davis and Cooty Johnson had insisted on you testifying that Millie Davis was entitled to enrollment but that you knew that she was not entitled to enrollment and that you had refused to act as a witness, did you make that statement to Thomas Long? A: No sir.
Q: Did you have such a conversation with me or use words to that effect? A: No sir.
Q: In my yard.
Q: Was there ever a house built over this grave? A: Yes sir.
Q: What is the condition of that house at this time? A: It is there yet.
Q: Go on and describe the condition of that house over that grave at this time? A: There were logs split and notched like you would put up a log house, and it was covered with 3 foot boards.
Q: When did you last see this grave? A: Yesterday and the day before.
Questions by Commissioner:
Q: Was this house that you described, that you saw a day or two ago the same as that was originally which was put over the grave? A: It was the original house.
Q: Were those boards and logs in good condition? A: Yes sir.
Q: Had they fallen down? A: No sir.

- Q: Did you ever have a conversation with Thomas Long in regard to the date of death of Millie Davis? A: No sir.
- Q: Did you have any conversation with Lawyer Deere in regard to the death of Millie Davis? A: No sir.
- Q: Were you ever indicted, charged with a criminal offense?
- A: Yes sir.
- Q: Were you convicted? A: No sir.
- Q: Have you been indicted more than once? A: No sir.

Counsel for applicant desires to ask witness if he is familiar with the word indictment.

Questions by L.M.Mett, continued:

- Q: What were you charged with? A: Charged with ~~stealing~~ stealing cattle.
- Q: Was anybody else charged with it at the same time?
- A: My step-son was charged with the same crime.
- Q: Was he arrested and taken before the commissioners?
- A: I was brought before the Commissioner.
- Q: Did you go before the grand jury? A: I don't know that I was brought before the grand-jury but they told me when I was in jail, I would be tried in Weweka, but before that I was released.
- Q: Were you a witness in the case? A: Yes sir.
- Q: Against whom? A: John Brown.
- Q: Did you testify against him or for him? A: Against him.
- Q: Did you get out by turning state's evidence or how?
- A: Yes sir.
- Q: Was Brown convicted? A: Yes sir, he was convicted and sent to the penitentiary.
- Q: Was your step-son convicted? A: He was released.
- Q: Did your step-son testify against Brown too? A: Yes sir.
- Q: Did you admit helping steal the cattle? A: Yes sir.
- Q: Were you acquitted by turning state's evidence, and they could not convict the other fellow without you turned state's evidence and they turned you loose? A: Probably a that was the reason because they sent him to the penitentiary.
- Q: Lawyer Deere swore a while ago that he had a conversation with you yesterday about this matter and he said that you said to him yesterday that Millie Davis died prior to April 1, 1899, is that so? A: I haven't spoken a word to him about it.
- Q: You understood that Lawyer Deere was one of the parties who had made the affidavit and was fighting the enrollment of Millie Davis, didn't you? A: Yes sir.
- Q: You knew he was there wanting to get witnesses to come here and swear that she was not entitled to enrollment, didn't you? A: Yes sir, I knew it but Lawyer Deere never did talk to me about it.
- Q: If you knew it who told you about it? A: Thomas Long.
- Q: You said a while ago that Thomas Long never talked to you about the case? A: My testimony was that they never did ask me to testify in this case, that was my answer a while ago.
- Q: You came here with Lawyer Deere didn't you? A: Yes sir.
- Q: You left home together didn't you? A: Yes sir.
- Q: You came here together? A: Yes sir.
- Q: You knew his business was to prevent Millie Davis from being enrolled? A: Yes sir.
- Q: And you knew he was coming here for that purpose? A: Yes sir.
- Q: And you knew they wanted witnesses for that purpose?
- A: Yes sir.

- I knew it and I was subpoenaed for that purpose.
- Q: And yet you say that Lawyer Deere never had any conversation with you about it? A: Yes sir.
- Q: Never has talked to you about it? A: Yes sir.
- Q: When Long told you that Deere was helping him to get up witnesses to prevent the enrollment of Millie Davis, what did you say? A: My answer was that he must know and he was working on my knowledge.
- Q: When Long told you that he and Deere wanted witnesses to prevent the enrollment of Millie Davis what did he say?
- A: He said all right or gave assent.
- Q: Did you intend to leave them under the impression that when you got here you would testify against Millie Davis?
- A: They asked me to come here as a witness and I came along.
- Q: When they asked you to testify in this case, didn't you understand that they expected you to testify or state that Millie Davis died prior to ~~April 1, 1899~~ April 1, 1899? A: Yes sir, I knew that.
- Q: You came here to testify, and you knew you were going to testify in a way different from what they thought you would?
- A: Probably so because they asked me to testify according to my knowledge.
- Q: Are you satisfied that when you came here, when they asked you to come, that they expected you to swear that Millie Davis was not entitled to enrollment? A: They asked me to testify according to my knowledge and that is what I intended to do.
- Q: Don't you know that they expected you to testify that she was not entitled to enrollment? A: That is what they expected, probably that is what they expected.
- Q: You left them under that impression and didn't tell them differently? A: Probably they are disappointed because I am telling my knowledge of it.
- Q: When you knew they expected you to swear that she was not entitled to enrollment, why didn't you tell them you wouldn't testify that way? A: They told me I should testify according to my knowledge and testify whether she was entitled to enrollment or not.
- Q: Why didn't you tell them she died on the 19th. day of October, 1900 and you knew it and would testify to that when you came here? A: I didn't tell them.
- Q: Why did you not tell them? A: Just because they told me to testify according to my knowledge.
- Q: When you knew they expected you to testify that she was not entitled to enrollment why didn't you tell them that you couldn't testify to what they expected you to? A: I was told to testify after I came here and not before.
- Q: Isn't it a fact that you allowed them to think that in order that you might get here and get the per diem and mileage, and advance the interest of your sister in the enrollment matter, didn't you deceive them for that purpose? A: I didn't think that because they said they were going to testify according to their knowledge and I was going to testify according to my knowledge.
- Q: Don't you know that if you had told them you knew she died on October 19, 1900 they would not have wanted you to testify?

(Counsel for Applicant objects to the question at this time for the reason there has been no evidence before the Commission showing that the applicant died any time in the year 1900.

Objection noted by Mr L. M. Nett. My question should have read ~~XXXXXX XXXXXX XXXXXXXXXXXXXXXXXXXX~~

Objection noted. By L. M. Nett,
My question should have read in the year 1899.

- Q: Don't you know that if you had told them that Millie Davis died in October 1899, they would not have asked you to come here and testify? A: I don't know it.
- Q: Didn't you say a while ago you knew they wanted witnesses who would testify that Millie Davis was not entitled to enrollment? A: I knew that.
- Q: If ~~any~~ neither one of them talked to you about this thing, about the date that Millie Davis died, how do you know that? A: Well they ~~had~~ told me that is what they wanted.
- Q: Well now you admit that they have talked to you about it do you? A: I knew that when I came here and gave in my evidence before the Commission they knew my knowledge about it.

Questions by J. Coedy Johnson, counsel for applicant:

- Q: Did Thomas Long tell you what he wanted you to say before the commission? A: He told me I must go see the Commission so the Government would know my knowledge of the case and decide from that whether the woman was entitled to enrollment.
- Q: Now Thomas Long didn't tell you, did he that he wanted you to say that Millie Davis died in the year 1898 did he?
- A: He never told me that.
- Q: He only told you to come and tell what you knew about it?
- A: Yes sir.
- Q: That was your understanding when you left home was it?
- A: Yes sir.
- Q: Have you told the Commission today what you know about this case? A: Yes sir.

Questions by L.M.Mett, Atty. for Creek Nation.

- Q: What year is this? A: 1906.
- Q: What year was 7 years ago? A: I didn't notice that, I don't know. If I were to think over it probably I would know but of course I don't know now.

Questions by Commissioner:

- Q: You understand the nature of an oath do you not?
- A: Yes sir.
- Q: Did you have a conversation with Lawyer Deere or Thomas Long or both of them in the year 1904? In regard to this matter? A: No sir.
- Q: Did you have a conversation with Lawyer Deere or Thomas Long in regard to this matter? A: No sir.

Bunny McCassar being first duly sworn, testified as follows:

Through sworn interpreter, Wm. McCombs.

Questions by Commissioner:

- Q: What is your name? A: Bunny McCassar.
- Q: How old are you? A: Nearly 40.
- Q: What is your post-office address? A: Hollenville.
- Q: Do you understand the nature of an oath? A: No sir.
- Q: Well you are informed that when a person swears to tell the truth the whole truth, and nothing but the truth, if they should testify falsely upon some material matter, they are liable to imprisonment in the penitentiary.
- Q: Were you ever acquainted with Millie Davis?
- A: Yes sir, that was my wife's sister.

- Q: What was the name of her husband? A: Jim Davis.
- Q: Did you live near her during her life-time? A: In the first place we all lived together on the same house.
- Q: Did you live near her when she died? A: About 10 or 11 miles away from her when she died.
- Q: Did you attend her funeral? A: No sir.
- Q: How long after her death did you hear she had died?
- A: About a week after her death.
- Q: Have you any records showing when she had died?
- A: When she was very sick I put her in my wagon and hauled her to Mitchell Hill's mother's house. She died about a week after I took her to Mitchell Hill's mother's.
- Q: About how many years ago did she die? A: I think it is about or nearly 7 years ago that she died.
- Q: Do you put in a crop each year? A: Yes sir, each year.
- Q: How many crops have you put in since she died?
- A: This season makes 6 crops.
- Q: Are you sure of that or could it be 7 or 8?
- A: It couldn't possibly be 7 or 8 years because my wife was confined and Millie Davis waited on her.
- Q: Did you wife have a child about the time of Millie's death?
- A: Yes sir.
- Q: Was that child born before or after the death of Millie?
- A: Before her death.
- Q: How long before her death? A: The child was nearly two years old.
- Q: Before Millie died? A: Yes sir, that is when Millie died.
- Q: Is that child living? A: Yes sir.
- Q: What is the name of that child? A: Bessie McCosar.
- Q: Is she enrolled? A: Yes sir.
- Q: Have you a son named Elliott? A: Yes sir.
- Q: Is your daughter Bessie dead? A: No sir.
- Q: (It appears from the records of the commission that one Bessie McCosar, daughter of Bunnie McCosar, is registered upon Creek Indian Field card No. 2374, and that she was shown to be 3 years old by that card, as of May 13, 1901. The Birth affidavit enclosed in said card shows the child was born on March 30, 1898)
- Q: Could your child Bessie have been born 3 years before the death of Millie Davis?
- A: I think it wasn't quite that time.
- Q: Do you know when the Creek Land office was opened here in Muskogee? A: I don't know that correctly.
- Q: Do you know who was chief of the Creek Nation at the time of the death of Millie? A: I don't know.
- Q: When did your daughter Eliza die? A: 1899.
- Q: How long before the death of Eliza did Millie die?
- A: It probably must have been the third year.
- Q: Do you mean that Millie died 3 years before your daughter Eliza died? A: It wasn't very far apart, the death wasn't.
- Q: Which died first? A: Millie died first.
- Q: How long before Eliza died? A: Eliza died about 2 months afterwards.
- Q: After Millie? A: Yes sir.
- Q: When did your daughter Ida die? A: The 16 day of July 1900.
- Q: How long, how many years before the death of Ida did Millie die? A: A little over one year.
- Q: Are you sure it was only one year? How many years ago did your daughter Ida die? A: This coming July it will be 7 years.

- Q: Are you an educated man? A: No sir.
- Q: Do you know how to figure? A: No sir.
- Q: ~~How many months are there in a year?~~
- Q: How many months are there in a year? A: I don't know.
- Q: Did you make any record at the time of Millie's death?
- A: No sir.
- Q: Do you know what it means to say a year? A: I know the word.
- Q: Do you know what it means? A: No sir.
- Q: Have you talked with any-one in regard to this matter within the past week or so? A: No sir.
- Q: How did you come to come up here then? A: I was so told on the 4th. of this month that I was needed here as a witness.
- Q: Who told you? A: Mitchell Hill.
- Q: Who is Mitchell Hill? A: He is here.
- Q: What did this Mitchell Hill tell you when he told you about this matter? A: He said that Neddie needed me as a witness because I had hauled the sick girl to his mother's house, that is the way he told me.
- Q: Do you know when you appeared before the Commission to file on your land? A: No sir.
- Q: Did you ever come before the Commission to file on your land? A: Yes sir.
- Q: How many years ago was it when you came up here?
- A: I don't know the number of years when I filed.
- Q: How many years ago was it when you appeared before the Commission's field party in order to have your name enrolled?
- A: I know that the field party was stationed at Wetumka one time and moved to Okmulgee and back to this place but I was enrolled by Robert Stewart.
- Q: And you don't know the year or how many years it was that you appeared before the Commission to file on your land?
- A: I know I came here and filed but I don't know the number of years.
- Q: If you don't know the number of years that has passed since you filed on your land, as important a matter as that how is it that you can remember the time that has elapsed since the date of death of Millie Davis?
- A: There is some record or circumstance connected with it that I know. That is the death of Millie, that was a noted occurrence.
- Q: There are others in your neighborhood who have testified that Millie died prior to the opening of the Creek Land office, that she died in the year 1898, do you think they are mistaken or do you think they might be right?
- A: March 3, 1898 Millie waited on my wife when she was confined, that was just on this side of Gaborn and I then left there afterwards and moved nearer to Millie Grayson's place.
- Q: It seems queer that considering your statement that you are not educated that you cannot account, that you will give the exact date for the birth of your child? A: I know the names of the month in the Creek language.
- Q: Can you read and write in the English language? A: I can write my name.
- Q: Can you read the calendar for instance? A: Yes sir.
- Q: How many days has April? A: 30 or 31.
- Q: What month follows January? A: February.

- Q: What month follows July? A: August.
- Q: Did you make any record of the date of birth of any of your children? A: I have a record of the birth of my children.
- Q: Did you write it in the bible? A: I have it in a day book.
- Q: Have you a record in that day book of the date of death of certain of your children? A: Yes sir.
- Q: Did you write that in Greek? A: It is recorded in English.
- Q: Who wrote it? A: I wrote it.
- Q: Do you know when Sparatcher was chief of the Greek Nation?
- A: I know he was the chief but I don't know exactly what time he was a chief.
- Q: Did Millie die when Sparatcher was chief? A: I have no idea.
- Questions by L. M. Mett, counsel for Greek Nation.
- Q: Why do you say the death of Millie Davis was a noted event?
- A: I saw her when she was sick in bed.
- Q: What do you mean by a noted event? A: After Bessie's birth the child was a year old and past and could crawl around and at that very time I went and seen this sick girl.
- Q: Is that what you mean makes it a noted event? A: Yes sir.
- Q: Where were you living when Millie died? A: About 4 miles South-east of Holdenville.
- Q: How far from Millie? A: 11 miles about.
- Q: Were you at the funeral? A: No sir.
- Q: Are you sure when she died? A: No sir.
- Q: How do you know what date she died on? A: I don't know the date she died on.
- Q: What year did she die in? A: The year 1899.
- Q: Are you certain of that? A: Yes sir, I am satisfied that was the time.
- Q: By what do you fix that date? A: I knew by the birth of the child and it was a year afterwards she took sick and she laid sick a good long while, several months.
- Q: Do you know the date of birth of all your children? A: Yes sir.
- Q: Do you know it now? A: Yes sir, I knew it now.
- Q: Have you had any reason why you should refresh your memory about that and know it? A: I haven't got the record with me, but I can tell you from what I know from my brains.
- Q: Do you know it at all times?
- A: Yes, I can remember it when I think about it.
- Q: What date were you married on? A: 7th. day of July.
- Q: What year? A: 1897.
- Q: Did you refresh your memory about this thing in any way after you knew you would be called here as a witness and investigate about the year and the time she died so you would be able to testify, did you make any investigation of any dates? A: I didn't know what sort of questions would be propounded to me and I never thought of it.
- Q: You were a member of the Council? A: Yes sir, I was sworn in as such.
- Q: How long have you been a member? A: Two years or more.
- Q: What date were you elected? A: It was in September.
- Q: What day of the month? A: I don't know the date but it was on the second Tuesday in September.
- Q: If you know it was the second Tuesday, why can't you tell the date? A: I knew and was told that it was the second Tuesday in September on the date of the election and that was the day I was elected.
- Q: What date did you take your seat in Council? A: It was in December but I don't know the date.
- Q: What year were you elected in Council? A: I think it was in 1904.

- Q: Are you certain about that? A: No, I am not certain about that.
- Q: Don't you know there wasn't an election in 1904? A: There was an election in 22 September I knew that.
- Q: Don't you know there wasn't any election in 1904?
- A: I am not certain about it.
- Q: But the election was in September? A: Yes sir.
- Q: How do you know it was in September and don't know the year?
- A: There are so many years and so many Septembers, I couldn't tell what year it was.
- Q: Don't you know the election was in 1903? A: Probably it was in 1903, I don't recollect.
- Q: How many years ago was it? A: I have heard there was 2 more years for me to serve and I just judged it was 2 years or more ago.
- Q: Have you any interest in this case? A: I don't know.
- Q: Are you anxious to have Millie Davis enrolled? A: I just leave it to the facts in the case, it doesn't concern me whether she is enrolled or not.
- Q: She was your sister-in-law? A: Yes sir.
- Q: You are an heir to this allotment are not you?
(Counsel for applicant objects to the question on the ground that this man is an heir and not competent to pass on the question of distribution)
- Q: Do you know whether or not you would be an heir to her property? A: I am not an heir at all.
- Q: Don't you know your wife is an heir? A: My wife is also deceased.
- Q: Your wife left some children did she not? A: Yes sir.
- Q: They would inherit her interest would they not?
- A: I do not know whether or not they would inherit.
- Questions by Commissioner:
- Q: Haven't you had a conversation with certain persons in regard to the time that it was required that a person should have died, that Millie Davis should have died in order to be entitled, or that she should be living in order to be entitled, haven't you had some talk with some person about it? A: No sir.
- Q: Have you ever been charged with any offense? A: No sir never.
- Q: Have you ever been indicted? A: I have been charged with introducing or selling whiskey but they have never convicted me. Q:
- Q: Were you ever arrested charged with any crime? A: Yes sir I have been arrested.
- Q: What followed after your arrest, were you taken before the commissioner? A: It was before the commissioner I was brought.
- Q: Then you were taken to jail? A: No, I wasn't taken to jail
- Q: Were you discharged by the Commissioner? A: The commissioner discharged me.
- Q: Were you ever arrested on any other occasion than that of selling whiskey? A: I have been arrested twice for selling whiskey.
- Q: Were you ever charged with any other crime except selling whiskey? A: Never was.
- Questions by J. Goody Johnson, counsel for Applicant:
- Q: You said a while ago you took Millie Davis to the home of Mitchell Hill's mother, is that where Chechota Harje lives, and the home of Mitchell Hill's mother? A: Yes sir.

James Davis, being first duly sworn, testified as follows:
Through sworn Interpreter, Wm. McCombs.

Questions by Commissioner:

You are informed that when you swear to tell the truth, the whole truth and nothing but the truth, if you testify falsely on some material point you are liable to a penitentiary imprisonment.

- Q: What is your name? A: Jim Davis.
Q: How old are you? A: Past 37.
Q: What is your post-office address? A: Yeager.
Q: Did you have a wife named Millie Davis? A: Yes sir.
Q: Have you got a daughter named Katie Davis? A: Yes sir.
Q: Is she living? A: Dead.
Q: When did Katie die? A: December 24, 1899.
Q: Your wife Millie is dead is she? A: Yes sir.
Q: Were you living with her at the time of her death? A: We were living together, they both got sick and we separated.
Q: Both got sick at the same time? A: Yes sir at the same time.
Q: What was the nature of that sickness? A: Kind of a consumption that Millie had and my ailment was something like the dropsy.
Q: She did not die at your home then? A: She didn't die at my home she died at her brother's home.
Q: What was his name? A: Weddie Wartee.
Q: You were not present when Millie died? A: No sir.
Q: How many years ago did she die? A: It is going on 7 years since she died.
Q: Can you count? A: Yes sir.
Q: Count up to eight? A: I can't count in English but I can count in Creek.
Q: Count up to 8 in Creek? (Witness counts in Creek)
A: 1, 2 3 4 5 6 7 8.
Q: How how long ago did Millie die? A: It is going on 7 years
Q: In what year did she die? A: I was told that she died October 4, 1899.
Q: Who told you? A: She had a brother by the name of Joshua, he told me.
Q: How long after the death did he tell you? A: The same day.
Q: How far were you living away from the place she died?
A: I was about 15 miles away.
Q: How does it happen that you remember the exact date of her death? A: Because ~~xxx of the xxxxxxxxxx~~ when a man's wife or child died we always remember the time they died.
Q: Did you make any record of the death of ~~the~~ your wife or child? A: I had it done.
Q: Who made the record? A: Jim Noon.
Q: In what shape was that record, was it in a book? A: It was in a small book.
Q: Who had that book? A: I have the book.
Q: Have you it with you? A: Yes sir.
(Witness presents a memorandum book for the year 1898 in which appears Calender, each month being shown at the head of a separate page and on page 25 of said memorandum book, appears certain writing that is in ink, it is referred to sworn interpreter for interpretation)

Statement by witness: This record is about the death of Katie Davis.

- Q: Who did the writing on page 25? A: I wrote it myself.
- Q: What is the meaning of it? A: In the first place in what language is it written? A: No answer)
- 15th chapter of Corinthians, verse 8. That is the heading of it.
- Q: Is that written in Creek? A: Yes sir.
- Q: Is there anything in that record book or anything on that page with reference to the death of Millie? A: Yes sir. (Statement) The book referred to on page 25 was referred to the interpreter Wm. McCombs and to Mrs. Lena Merrick Official Creek Interpreter and they state they are unable to decipher the wording)
- Q: What is your statement as to what appears on that page, 25?
- A: Katie Davis died December 24, 1899.
- Q: Is there any statement in there with reference to Millie?
- A: I haven't got it. The record of the statement of Millie's death was burned down when the preacher's house got burned down.
- Q: Then your statement a while ago that a record had been made about the death of Millie was incorrect was it, or that you had a record of it? A: I did have it, a copy of it and I have got it but I haven't got it with me.
- Q: The original record in regard to the date of the death of Millie was burned up was it? A: Yes sir.
- Q: When was that copy of that record made? A: Joshua made it.
- Q: Was Joshua present when she died? A: Yes sir.
- Q: When did he make that copy? A: I don't know when the copy was made.
- Q: Do you know when the record was made? A: She advised her brothers and sisters of the Church, advised them on religious matters and they preached her funeral afterwards from the good advice she had given the members of the church. and from the record made at that time the funeral was preached.
- Here further hearing of the case was continued until Saturday morning 9 A.M.
- Q: Is there anything in this memorandum book in regard to the date of death of Millie Davis?
- A: There is nothing in that book in regard to Millie's death.
- Q: Why did you then state that you had a record showing the date of her death? A: I knew the year she died in that is what I meant. There are several people that know of the time of her death.
- Q: You stated that you made no record of the date of her death, is that correct? A: I didn't make it but others made a record of it.
- Q: What happened to that record? A: The Minister had it in his charge and it got burned when the house got burned.
- Q: Do you know when the land office opened here in Muskogee? When they commenced filing on land? A: I don't know the exact time the land office opened.
- Q: About how many years do you think that was? A: I don't know the number of years because I filed for myself very late or a good while after they commenced.
- Q: What year did you come here to file on land? A: 1901.
- Q: Do you remember of coming here? A: Yes sir.
- Q: How long before you came here to file had Millie died?

- A: It was two years past after her death when I came to file.
- Q: When did you file, what season of the year? A: I came here about the 26th. day of August that year.
- Q: Could it have been as many as 3 years after Millie died when you came here? A: It was 2 years past.
- Q: Well how much more than 2 years was it? A: She died October 4, 1899 and then there was 1 year past and the following August I came here and filed.
- Q: Is that the answer you intended to make in the first place? A (Interpreter) I understand witness fully now.
- Q: You didn't understand witness right in the first place then you are sure you have it right now? A: Yes sir.
- Q: Isn't it a fact, or is it a fact that you have got the date fixed in your mind for the death of Millie and that you are basing all of your answers on that fixed date? A: Yes sir.
- Q: Did you file for your wife and child? A: Yes sir.
- Q: How long before you filed for your wife and child had Millie died? A: The exact time I don't know because after I came here in August, I made one trip and failed to file for my wife and child and the second trip I filed for them but I don't know the date.
- Q: Do you know the date of your birth? A: I don't know myself, but I know what they told me about it.
- Q: Do you know about the date of your marriage to Millie? A: Yes sir.
- Q: When was it? A: 1896.
- Q: Do you remember the date of the month? A: I don't know the date but it was in the fall of the year and near Christmas time.
- Q: Are you receiving rent for the land that was allotted to Millie? A: Yes sir.
- Q: Did you ever have a conversation with Mr. Johnson, the Notary and the attorney present here at this time in regard to getting Millie enrolled?
- (Counsel for Applicant objects to the question for the reason that it does not state the time nor place, as I understand it and this purpose question is asked for the purpose of impeachment and the rule of impeachment where questions are asked for the purpose of impeachment, the time and place must be fixed)
- A: We never did talk about it. No conversation.
- Q: Do you mean to swear that you never had any conversation with Notary Johnson in regard to this matter? A: Yes sir.
- Q: Did you ever appear before Mr. Johnson and make an affidavit as to the date of death of Millie? A: Yes sir.
- Q: Didn't you talk with him at that time? A: Yes sir we talked.
- Q: Did you tell him the date of death at that time? A: Yes sir.
- Q: Did he suggest to you the date to be put in this affidavit? A: I was an invalid then and couldn't hardly get my breath but I suppose that was put down, but I am not certain of it.
- Q: Did you tell him the date of her death or did he tell you the date of death? A: I told him.
- Q: Did he tell you as to the date when one must be living in order to be entitled to enrollment? A: Yes sir.
- Q: Did you agree or did you contract with Mr. Johnson that if this person was enrolled you would give him anything in the shape of land or rentals on land or monies?

- A: I didn't say that but one of the members of the council was investigating the enrollment of the town and managed the enrollment of the town and I depended upon the member of the council.
- Q: Did the member of the council tell you as to what date a person should be living or had to be living in order to be entitled? A: Yes sir.
- Q: Isn't it a fact or is it a fact that you knowing that date put in a date subsequent of after the actual date of the death of Millie? A: I did not.
- Q: Are you well acquainted with dates? A: Yes sir.
- Q: Do you understand that we have had testimony of witnesses tending to show that Millie died before the opening of the land office and sometime before the date given in that affidavit? A: I know that the matter had been talked about for some time back, and very recently I know about this matter and was advised to come here. I didn't know that any party was talking about this land of mine or Millie's. These parties were owing the banker. When the banker demanded pay, these parties told the banker they were to come here to receive the money and they would return Saturday night and pay the notes and I was informed through an interpreter.
- Q: Who told you all of this you have been telling us?
- A: James Scott.
- Q: Who is James Scott? A: He is in the store at Yeager and the man who owns the store is a banker also.
- Q: They owed a little account at that store did they, by that I mean Lawyer Deere and Thomas Long? A: Yes sir.
- Q: And is it your understanding that they were going to pay their account to this store with the money they got here as witnesses in this case? A: Mitchell Compere told them they would get about \$18 for coming here, and they would pay it when they got that money and this Jim Scott did the interpreting for us.
- Q: Now I want you to stick to facts and be truthful in your answer to this question: Haven't you had conversations with Chechota Harjo and with Lawyer ~~Bunker~~ Johnson in regard to this matter and did you agree with them to fix the date which was not the actual date of death in order that Millie might hold that land? A: I never did move my tongue on that matter.
- Q: Have you ever been charged with any crime?
(Counsel for Applicant objects to the question for the reason that the question is asked for impeachment, and the specific crime for which he is charged must be implied in the question and that must be a heinous crime.)
- Q: Have you ever been ~~charged~~ charged with any crime?
(Objection same as above)
- A: Yes sir.
- Q: Have you ever been convicted? A: Yes sir.
- Q: What were you charged with and what were you convicted of?
- A: Lawyer Deere's step-son stole some cattle and I was along with him. I wasn't present at the time the crime was committed but Lawyer Deere and his step-son had me involved as one of the accomplices and therefore I was convicted.
- Q: Did you serve a term in the penitentiary? A: No sir.
- Q: Did you turn state's evidence? A: No sir.
- Q: What happened to you after you were convicted?
- A: They sent me.
- Q: Where did they send you? A: I don't know where it was but it was a penitentiary.

- Q: How many other times have you been charged with crimes besides that? A: No sir, no other.
- Q: Have you ever been arrested except on that occasion? A: The Creeks arrested me.
- Q: What did they arrest you for? A: Stealing a horse.
- Q: What happened? A: I was acquitted.
- Q: What other times have you been arrested? A: Bass Reeves arrested me once and turned me loose.
- Q: What did he arrest you for? A: Whiskey.
- Q: Were you convicted of that? A: No sir.
- Q: What other times have you been arrested? A: That is all.
- Q: Have you ever been arrested for fightin? A: No sir.
- Questions by J. Coody Johnson, counsel for applicant:
- Q: Now Jimmy you said you came down to file for yourself in the month of August 1901, did you not? A: Yes sir.
- Q: You didn't file for your wife and child at that time did you? A: No sir.
- Q: You went back home then did you? A: Yes sir.
- Q: Then you made another trip, you said, back to Muskogee, I believe? A: Yes sir.
- Q: Did you file for your wife and child the next time you came back? A: Yes sir.
- Q: Why is it you didn't file for yourself and child at the time that you filed for yourself? A: They told me it wasn't time to file for deceased persons.
- Q: Who was it that told you that it wasn't time to file for deceased persons, where did you get that information?
- A: I was told by the parties wherever the land office was, it was on the first floor.
- Q: Did you get that information in the office of the Commission to the Five Civilized tribes? A: Yes sir.
- Q: At the first time you came here when you filed for yourself did you ask the question then if you could file for your wife and child or not? A: Yes sir.
- Q: That was the answer that was given you was it? A: Yes sir.
- Questions by L. M. Mott, Attorney for Creek Nation.
- Q: Where were you when the field party came around in 1898 and 1899? A: I was at home.
- Q: On that card appears the name of yourself, Millie Davis and Katie Davis, did you report them to that field party yourself? A: Yes sir.
- Q: When was that? A: It was in the fall of the year but I don't know the date.
- Q: Of what year? A: I don't know exactly what year it was.
- Q: Why can't you tell, do you know what fall of the year Millie died in? A: Yes sir.
- Q: What fall was it? A: October 1899.
- Q: Well now why can't you tell what year it was the field party was there is you know that? A: I didn't take any notice of it therefore I don't know.
- Q: Well was it in the fall of the year that Millie died?
- A: No sir.
- Q: Well then there wasn't but one other fall of the year possible when it could have been, why can't you tell then if it wasn't in the fall of 1898? There couldn't be but one other fall could there 1898 and 1899? A: (No answer)
- Q: Was Millie alive when the field party was there? A: Yes sir.
- Q: How can't you tell what year it was in? A: No sir.
- Q: Why is it you have no recollection definite about anything except October 1899? Why haven't you got any other years and months fixed in your mind except that?
- A: The reason of it is, that I paid no attention to other matters.

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- Q: Wasn't there anything of importance happened to you except the death of your wife in October 1899? A: Yes sir.
- Q: What else important happened to you? A: Yes sir, a great many things transpired that I paid no attention to but the death of my wife I remember that.
- Q: Now you have not been able to fix the date either by months or the year or anything definitely or positively that you have been asked except the death of your wife have you? (No answer)
- Q: Don't you want to answer that question? A: I never did forget the death of my wife because she gave us good advice in regard to christianity and that always impressed me and other matters never impressed me like that.
- Q: It wasn't her advice that impressed you that got you into the cattle trouble was it? (Objection for counsel for applicant because it is not cross examination)
Question withdrawn.)
- Q: When were you indicted for stealing cattle, was it before your wife died or since? A: Since.
- Q: Have you ever talked to anybody about the date of death of your wife before you came here? A: I don't know that I have talked to anybody about it because everybody knew that she was dead.
- Q: Did you ever talk to anybody about the date when she died? A: I think I never told anybody about it.
- Q: Have you and your brother-in-law Harjo talked about it? A: Yes, he knew about it and Harjo knew about it.
- Q: Have you talked to one another about it lately? A: We haven't talked about it here.
- Q: Did you talk about it lately? A: I suppose we have talked about it.
- Q: Have you talked about it since you knew that Deere and Long were coming down here as witnesses? A: No sir.
- Q: Have you talked to anybody about this since you found that the Commission was going into this question as to when she had died? A: No sir.
- Q: How come you to come down here as a witness? A: I heard they were going to try the case here and came down.
- Q: Did Harjo tell you he was coming? A: I didn't tell him but other parties told me he had been subpoenaed.
- Q: When you heard that Harjo was subpoenaed did you ask him what day it was that your wife died? A: No sir.
- Q: Did he ask you anything about it? A: No sir.
- Q: Who was it told you to come down here? A: I heard about it and came on my own accord.
- Q: Whom did you hear it from? A: Well the banker's interpreter told me.
- Q: Did you think you would be paid when you came down here? A: I wasn't subpoenaed and therefore I thought I would pay my expenses myself.
- Questions by Commissioner:
- Q: Did this Banker's interpreter suggest to you as to what you should testify to when you came here? A: No sir.
- Q: Has this banker that you refer to any interest in the case or any interest in the land allotted to Millie? A: No interest.
- Q: Does he hold a mortgage on any of your chattels or anything belonging to you? A: No sir.
- Q: Do you owe an account at that store? A: Yes sir.
- Q: How much do you owe there? A: \$21.
- Q: Are you sure neither the banker or his interpreter talked to you about this matter in regard to the date of death? A: Yes sir, they never talked to me about it.

Mitchell Compere, being first duly sworn testified as fellow Questions by L. M. Mott, attorney for Creek Nation, through sworn interpreter, Wm. McCombs:

- Q: What is your name? A: Mitchell Compere.
Q: How old are you? A: 30.
Q: What is your post-office address? A: Yeager.
Q: Do you know Chechota Harjo? A: Yes sir.
Q: Did you have a conversation with him in the presence of some parties here, day before yesterday? A: Yes sir.
Q: Where was it? A: Hoffman's hotel.
Q: Who was present? Who was there besides you and Harjo?

Counsel for applicant objects to witness having an interpreter, because witness can speak and understand English.

Mrs. Lona Merriek, official Interpreter called because witness will not answer the questions except through an interpreter)

- Q: Who was present when you had that conversation with Harjo?
A: Thomas and Henry and Carnoge Low.
Q: Did he say anything in your presence there as to the death of his sister Millie? A: I told them I made the affidavit here, Neddle Wartee talked to me about it from Yeager clear down to here.
Q: When did he say his sister died? A: About October 29, 1898.
Q: Did you write down what he said? A: Yes sir.
Q: What did he say what date did he give as to the date of her death? (Witness reads from paper, October 29, 1898) and I put it down just that way.
Q: What that day before yesterday? A: I made a record of it day before yesterday and also yesterday morning.
Q: You are certain he said Millie died October 29, 1898?
A: Yes sir.
Q: Have you any interest in this matter? Have you any bad feeling in this case, in any way?
A: No sir, no ill feeling whatever, I just put down what was told me.

Questions by J. Goody Johnson, counsel for applicant:

- Q: What relation are you to Thomas Long? A: He is my father-in-law.
Q: You have married his daughter have you? A: Yes sir.
Q: When was this when Chechota Harjo made this statement to you? A: Day before yesterday and yesterday morning.
Q: What time was it yesterday morning that he made this statement? A: About 9 o'clock I guess, between 8 and 9 o'clock
Q: You were standing out here by the door yesterday all the time he was testifying was you not? A: Yes sir.
Q: You heard all that he testified to, too didn't you? A: Yes sir.
Q: When did you tell Mr. Mott about this information you brought here that Chechota Harjo made this statement to you?
A: I made that slip of paper there day before yesterday morning
Q: When did you tell Mr. Mott about the conversation you had with Chechota Harjo? A: Yesterday morning.
Q: You told Mr. Mott yesterday morning that that is the statement that Chechota Harjo made in your presence is it?
A: Chechota Harjo told me after I got out the court room that he had made a mistake.
Q: Wasn't it Thomas Long that made that statement to you?
A: It was Thomas Long that made the statement. Thomas Long said he made a mistake when he testified here.

Q: You didn't come here to testify against Millie Davis did you, to testify in the case of Millie Davis? A: No sir.

Q: You didn't know you were going to be a witness in this case until after Harjo had testified, did you? A: I didn't know.

Q: ~~You didn't know until Harjo had testified to you, and then~~

Q: You told me what Harjo had told you, and then I told you I would have you examined didn't I? A: Yes sir, I brought the memorandum there.

Questions by J. Coody Johnson, attorney for Applicant.

Q: How many times have you ever been arrested Mitchell?

A: Twice.

Q: What did they arrest you for? A: The first offense was whiskey.

Q: What was the last offense? A: Disturbing the peace.

Q:

(The memorandum referred to by witness is introduced in evidence, filed and marked Exhibit "A".

Which exhibit reads as follows)

S. D. May 21, 1897.

S. D. April 18, 1897

N. D. ~~April~~ 11 7 1897.

Millie D -- 12 Oct. 29, 1898.

Katie D--- Nov. 25, 1898.

Counsel for Applicant objects to the introduction of this

memorandum for the reason that the witness who wrote this

memorandum does not state that it contains the exact language used by witness who he undertakes to impeach nor does it show from any evidence that the witness sought to be impeached was familiar with the language in which the memorandum was written)

Mitchell Hill, being first duly sworn, testified as follows:

Questions by Commissioner, through sworn interpreter, Wm. McCombs:

Q: What is your name? A: Mitchell Hill.

Q: You have been sworn as a witness in this case? A: Yes sir

Q: How old are you Mitchell? A: 26

Q: What is your post-office address? A: Yes sir.

Q: Did you know Millie Davis during her life-time? A: Yes sir

Q: Is she living now? A: She is dead.

Q: Do you know where she died? A: Yes sir.

Q: State if you know where she died? A: She died at my mother's house.

Q: Did you live with your mother? A: Yes sir.

Q: Where is she buried if you know? A: In my mother's yard.

Q: Were you there when she was buried? A: Yes sir.

Q: What if anything was ever put over that grave? A: She has a head-board at the head and a little board at the foot and a little house over it.

Q: What kind of a house was it? A: A little log house, covered with clap-boards.

Q: When did you last see that grave? A: I examined the grave about 2 weeks ago. I see it from the house every day it is right in the yard.

Q: What was the condition of that grave with reference to its condition and that of the house the last time you saw it? A: The little house is very old looking now.

Q: Is the house in a good state of preservation? A: Yes sir.

Q: Is that the same house that was put over the grave immediately following the death? A: That was the same house that was built over it.

Q: Is any of it torn down? A: I didn't examine it closely I didn't know I was to testify or I would have examined it more closely.

- Q: Have any of these clap-beards fallen off? A: I didn't examine it.
- Q: Had any of these logs fallen down? A: No sir.
- Q: At what distance did you see it the last time you saw it?
- A: I just saw it going past the grave.
- Q: Did you pass it within a few feet? A: I was just about 2 feet away from it.
- Q: Are there any other graves in that yard? A: Yes several.
- Q: Are all the houses standing over those graves that were there or were they there originally?
- A: Some are in a good state of preservation and others are dilapidated.
- Q: What grave houses are in a good state of preservation and which are not? A: Dave Cornell's and George Long's graves are in good condition. And Dave Cornell's grave is also in good condition.
- Q: How did you come to notice particularly this grave of Millie?
- A: I just passed near the grave and happened to know that was Millie's grave, I was out looking for eggs and saw it.
- Q: Did you know you were going to come up here to testify?
- A: No sir.
- Q: What is your object in your coming to Muskogee at this time? A: I was called here as a witness in the Millie Davis case.
- Q: Who called you? A: Chechota Warje and Jim Davis.
- Q: Did you have a conversation with him before coming here?
- A: They asked me if I knew when Millie died and I told them yes, and they asked me to come here as a witness, that is the only conversation I had.
- Q: What did they tell you in regard to the date of death of Millie? A: They just asked me to come and testify what I knew in regard to Millie's death.
- Q: Did they give you a certain date, did they give you the date she died on and tell you that you would have to testify in that way? A: No sir.
- I am just stating what I know nobody told me what to say this or that.
- Q: Were you present when Millie died? A: Yes sir.
- Q: Were you present when she was buried? A: Yes sir.
- Q: How old are you now? A: 26.
- Q: Did you ever see any record that was made of the death of Millie? A: No sir.
- Q: Do you know when she died? A: Yes sir.
- Q: How do you know it? A: It is impressed on my mind.
- Q: Can you count? A: Yes sir.
- Q: Have you any education? A: I have been to school some.
- Q: How many years ago did Millie die? A: It will be 7 years this coming October.
- Q: Could it have been 8 years ago this coming October.
- A: No sir.
- Q: How do you happen to remember that so correctly has it been impressed on your mind by other people talking about it in your presence? A: I just know when she died, it was impressed on my mind.
- Q: When were you born? A: I was told that I was born in February and last year my father told me I was 25 and now I am 26.
- Q: Did you know the child of Millie Davis, Katie Davis?
- A: No sir.
- Q: Were you living in the same house when Katie died? A: No sir.
- Q: Do you know where Katie died? A: No sir.
- Q: Do you know when she died? A: No sir.

- Q: Is your mother living? A: Yes sir.
- Q: Is your father living? A: Yes sir.
- Q: Have you any deceased brothers? A: I had a little brother that died a long time ago.
- Q: Do you know the date of the death of that brother? A: No sir.
- Q: Have you any sisters dead? A: I have one dead sister.
- Q: When did she die? A: She died when I was a little boy.
- Q: Do you ever hear what date she died on? A: There is a record on the little grave house.
- Q: Do you know what that says? A: I know it when I see it but I can't tell you anything.
- Q: Did you ever see any record on the head-board over the grave of Willie? A: No sir.
- Q: Do you say there was or do you not say there was a record there? A: There might be a record on the inside of the house and it is against the law to disturb the graves and I have no business to take it up.
- Q: Wasn't you there when Millie was buried? A: Yes sir
- Q: Wasn't you there when the house was built? A: I guess I was there, I lived there.
- Q: Did you see them when they were building that house?
- A: Yes sir.
- Q: Did you see the head-board put at that grave? A: Yes sir
- Q: Did you see any writing on that head-board? A: No sir, I didn't notice.
- Q: Did you file for yourself on your allotment? A: Yes sir
- Q: When was that? A: 1900 I think.
- Q: What date in 1900? A: I didn't pay any attention to what date it was.
- Q: When you were asked as to the date of death of Willie and said you knew it, you pointed to your head and indicated that you had it in memory, can you point to your head and remember when you filed? A: If you give me time and let me study it out I can tell you just when I did file
- Q: We are not hurrying you at all, I will give you time to study.
- A: I don't mean right now, I would have to have time to study to figure it out just when I came. The filing on land and the death of anybody is different, I remember when Millie died but I don't remember when I filed on the land.
- Q: You don't remember the dates of death of any of your family your immediate family, how can you remember the exact date of the death of Millie? A: I was a little boy when the members of my immediate family died and I don't remember them.
- Q: Will you give me the date of death of five other people in your immediate neighborhood who have died in the last 5 or 6 years? A: I never pay any attention to anything like that, when people die around in the neighborhood, I don't pay any attention, I know they die, but I don't make any record of it, but this woman died at my mother's house and that is the reason I remember.
- Q: Is that the only date you know of the death of any person?
- A: I knew some people that died this year in the neighborhood. I don't know exactly the date of the month or but I know they died this year. These other people didn't die at my house and I don't remember that.
- Q: Is it a fact or is it not a fact that you have had conversations with people who are interested in this matter and that they have told you the date of death of Millie?
- A: No, I haven't been talking to anybody if you don't believe me I have sisters and a mother who can tell you the same thing.

- Q: Can your sisters and mother swear to the exact date of the death of Millie? A: Yes, if they have any sense. but they don't like to appear as a witness for anybody.
- Q: Are you related to Millie? A: No sir.
- Q: Have you been offered any money to come up here and testify by anybody? A: No sir.
- Q: Has anybody agreed to give you anything for coming up here? A: I came up here to consult a lawyer and to see the Indian Agent and I appeared here as a witness also.
- Q: Who told you to appear here? A: Chechota Harjo. He wanted me to come up here as a witness, I told him I was coming up here anyway on other business.
- Q: Are you related to Chechota Harjo? A: No sir.
- Q: What was the conversation you had with this man Harjo, did he tell you or did he know about the date of death in order to refresh your memory? A: No sir.
- Q: Have you ever been arrested or charged with any offense? A: Yes, I was arrested.
- Q: What were you charged with? A: I was accused of stealing cattle but I was innocent of the crime.
- Q: What was done with you? A: I was discharged.
- Q: Did you appear before the Commissioner? A: I was discharged by the Grand Jury.
- Q: When you appeared before the grand-jury did you turn state's evidence? A: Yes sir.
- Q: Another man was sent to the penitentiary for that offense was he? A: Yes sir.
- Q: They agreed to turn you loose if you would testify against the other man, is that it? A: I wasn't told to turn state's evidence. I wasn't told that I just told who stole the cattle.
- Q: How old were you at that time? A: About 18 years old.
- Q: What year was that? A: It was in the fall of '97.
- Q: What was the exact date when you went before the grand jury? A: I don't remember.
- Q: Have you ever been arrested since then, charged with any offense? A: I was arrested again for disorderly conduct for being drunk.
- Q: What other offense have you been arrested for? A: None.
- Questions by L. L. Motz: Attorney for Creek Nation.
- Q: Are you related to these parties in any way? A: No sir.
- Q: Are you any relation of Millie Davis? A: No sir.
- Q: Are you related to Harjo? A: No sir.
- Q: How come you to be at the house when she died? A: Chechota Harjo is my mother's husband and Millie was Chechota Harjo's sister, that is the reason she was brought to our house when she was sick and she died there.
- Q: Who had you to come down here? A: I was coming here on some business myself, and Chechota Harjo asked me to come and be a witness.
- Q: Did anybody ask you before you went on the stand what date Millie Davis died? A: No sir.
- Q: You didn't tell anybody either? A: No sir.
- Q: They didn't know what you were going to say when they put you on the stand, did they? A: No sir.
- Q: You say nobody knew what you were going to swear when they put you on the stand? A: Nobody knew what I was going to testify to and I was going to testify to the truth.
- Q: You don't know what they wanted you for until they put you on the stand and asked you the questions, did they? A: No sir. might have been.
- Q: They were going to ask you something about the railroad rate bill for all you knew wasn't they?

(Objection by attorney for Applicant)

- Q: They might have wanted to ask you something about the new state for all you knew might they not? A: I would have told what they knew about it, if they would have asked me.
- Q: You didn't know whether they were going to ask you something about the new state or Millie Davis which? A: I was asked to be a witness in Millie Davis' case, so I naturally supposed it would be about her.
- Q: So you do know when they told you to be a witness in the Millie Davis case that you were to testify here, didn't they tell you or ask you when she died? A: Yes sir they asked me if I knew when she died and I told them.
- Q: You stated a little while ago they didn't say anything to you about it, and you said a little while ago that you didn't know what they were going to put you on the stand for.
- A: You asked about the new state and I answered your question.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete copy of my stenographic notes as taken by me in said cause on said date.

Julia C. Laval.

Subscribed and sworn to before
me this 20th day of July, 1906.

H. H. Harris
Notary Public.

Ans. See page following

Statement by L. M. Mott, Attorney for Creek Nation:

National Attorney desires to state that in the examination of Lawyer Deere and Mitchell Sompere, in the different cases, one after the other, their demeanor upon the stand impressed me with the conviction that their testimony was not of such a character as could be relied upon. The force of this cannot be appreciated by one merely reading the testimony, and I do not desire this statement to be understood as affecting the decision of the Commission in this case, and is meant to apply only to the two witnesses above mentioned, without regard to the testimony of other witnesses.

I, Julia C. Laval on my oath state that the above and foregoing is a true and correct statement of L. M. Mott taken in proceedings had in the matter of the application for the enrollment of Millie Davis, on July 9, 1906, and the same is made a part of the record in this case according to the implied direction of Mr. Mott.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
HOLDENVILLE, I. T., OCTOBER 2, 1906.

In the matter of the enrollment of Millie Davis, deceased,
as a citizen by blood of the Creek Nation.

NETTIE WATTY, being first duly sworn by Alex Posey, a
Notary Public, and examined, testified as follows:
Through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Nettie Watty. I am sometimes called
Chacota Harjo.
- Q How old are you? A About 35.
- Q What is your postoffice address? A Yeager.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q To what Creek town do you belong? A Tuckabatche.
- Q Were you acquainted with Millie Davis? A Yes sir.
- Q What relation was she to you? A She was my sister.
- Q Have you heretofore testified in this case? A Yes sir, I
appeared before the Commissioner to the Five Civilized Tribes
at Muskogee, on the 6th and 7th of July, and testified in this
matter.
- Q Do you know the exact date of the death of Millie Davis?
- A Yes sir, she died on the 4th day of October, 1899.
- Q What enables you to remember that she died on that particular
date? A Because I wrote the record of her death, thinking
that the same might be used at some future time when her
funeral was preached.
- Q How long was it after Millie Davis died, was it that you made
the record of her death? A On the day that she died.
- Q Where is that record now? A It has been lost, I made the
record on the day that Millie Davis died on a slip of paper
and inclosed it in an envelope and gave it to my aunt Kizzie
Long; she afterwards gave it to Jim Davis who desired the
record for reference when the funeral of Millie Davis was
preached, and it was lost.
- Q Do you know who preached the funeral? A The preacher was
a negro, I understand, named Caesar Jefferson, who is also
known as Sechaluste, which means Blackjack.
- Q Where does this preacher live? A He lived a few miles
northwest of her at that time but he is now dead.
- Q Where did he preach the funeral of Millie Davis? A At
Big Lucy's church, on the Canadian river, near Calvin.
- Q You are positive, are you, as to the date of her death?
- A Yes sir.
- Q Do you remember the circumstance of the opening of the Creek
Land Office? A Yes sir.

- Q Did Millie Davis die before or after the opening of the Creek Land Office? A She died after the opening of the Creek Land Office, but in the same year.
- Q Where was Millie Davis buried? A In my yard, she died in my house.
- Q Is there a tombstone record or a head-board record showing the date of her death? A There was a head-board placed at her grave but no record was inscribed thereon.
- Q Is there a grave house over her grave? A Yes sir.
- Q Is that grave house in good repair, or is it in a state of decay? A It is in good repair.
- Q How old was Millie at the time of her death? A She was about 25 years old.
- Q Was she married or single? A She was married to Jim Davis.

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true, and correct transcript of his stenographic notes thereof.

James B. Myers

Subscribed and sworn to before me this 9th day of October, 1906.

Notary Public

JEM

E.M.

Muskogee, Indian Territory, September 14, 1904.

The Honorable

The Secretary of the Interior.

Sir:-

The name of Millie Davis is contained in the partial list of citizens by blood of the Creek Nation, approved March 28, 1902, No. 6966. September 3, the attorney for the Creek Nation delivered to the Commission, for transmission to the Department, a communication in the nature of a motion to re-open the case and an affidavit, executed by Lawyer Deer and Thomas Long, relative to the date of death of said Millie Davis. It appears from said affidavit that Millie Davis died prior to April 1, 1899.

It also appears from the records in the office of the Commission that James Davis, the husband of said Millie Davis, and Selina Davis, made affidavit that said Millie Davis died on the 4th day of October, 1899.

It is recommended that the case be not re-opened. The communication from the Creek Attorney and affidavit of Lawyer Deer and Thomas Long are inclosed herewith for Departmental consideration.

Respectfully,

Through the
Commissioner of Indian Affairs.

Chairman.

DOE. 8-14/9.

57
Muskegee, Indian Territory, September 14, 1904.

E. B. Miller,
Chief Clerk,
Creek Land Office.

Dear Sir:

You are directed to suspend action in the matter of making allotment of lands in the Creek Nation to the heirs of Millie Davis, deceased, whose name appears on the Approved Creek Indian Roll, No. 6966, until further advised.

The attorney for the Creek Nation has asked the Department to re-open the case, relative to the enrollment of said Millie Davis, on the ground that he has evidence sufficient to establish the fact that Millie Davis died prior to April 1, 1899.

Respectfully,

Chairman.

COPY

Land:

64359-1904

64360-1904

64361-1904

64362-1904

64364-1904

64365-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated September 14, 1904, transmitting affidavits of Lawyer Deer and Thomas Long, relative to the death of Sarnochka, who has been enrolled as a citizen by blood of the Cherokee (Creek?) Nation at No. 8580.

They state in said affidavit that Sarnochka died prior to April 1, 1900. There are also before this office and enclosed herewith similar affidavits of the two affiants mentioned, relative to the death of Aaron McGirt, No. 8579, Waspee, No. 9610, Polly Larnay, No. 8943, Millie Davis, No. 6966 and George Washington, No. 5324.

In view of the position taken by this office and in order that the whole subject may be before you, I have concluded to forward all of the Commission's reports and the affidavits mentioned with this report.

The affiants with reference to the death of Sarnochka say that they knew her intimately and that she died prior to April 1, 1900.

Their affidavit with reference to Aaron McGirt is identical with the one just mentioned and the Commission say that proof of death in this case has been filed by Palmer Keen, half brother of the deceased citizen and two acquaintances, which shows that Aaron McGirt died on March, 1900.

The Commission reports that from their records it appears that Thomas Long, one of the affiants in the affidavit mentioned, filed with them September 12, 1901, affidavit stating that Polly Larney died August 6, 1899, and that the affidavit of the grandmother Polly Larney is to the same effect.

The Commission's report relative to Waspee shows that an uncle an aunt and two acquaintances made affidavit that the said Waspee died subsequent to April 1, 1899, and that from their records it appears that James Davis, husband of Millie Davis and Selena Davis made affidavit that Millie Davis died on October 4, 1899.

The Commission does not make any statement with reference to what their records show concerning the death of George Washington.

Accompanying each report of the Commission is a communication from Mr. Mott, attorney for the Creek Nation, requesting that the cases be reopened and a rehearing had and the Commission recommends that his request with reference to all the cases be granted.

This office is unwilling to recommend the ^{renew}reopening of these cases on the affidavits before it. They are all in the same form and several of them are carbon copies of an original, and each instance a blank space was left to insert the name of the person to whom the affidavits relates. The names of the affiants however, are in typewriting. Furthermore, it is not shown by the affidavits whether the affiants lived in the same vicinity that the deceased persons lived during their life time, although the affiants state they knew each intimately.

The Commission's report relative to Polly Larney, Land 64363, shows that Thomas Long, one of the affiants in each of the cases herein mentioned, filed with the Commission September 12, 1901, his

A.
affidavit stating that Pelly Larney died August 6, 1899, and it is believed that this action itself is sufficient to warrant the Department in refusing to reopen the cases on the information before it, and I respectfully recommend that the Commission be advised that said cases will not be reopened on the affidavits presented.

Very respectfully,

A.C.Tonner,

Acting Commissioner.



CAV-121.

I.T.D. 8140-19068

YHM . JP.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, October 1, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

September 14, 1904, you transmitted an affidavit of Lawyer Deer and Thomas Long, relative to the death of Sarnechka, who has been enrolled as a citizen by blood of the Creek Nation, opposite No. 8580, from which it appears that the party died prior to April 1, 1899.

Reporting in the matter September 26, 1904, the Acting Commissioner of Indian Affairs submitted similar affidavits of the two ~~affidavits~~ ^{affidavits} mentioned, relative to the death of Aaron McGirt, roll number 8679, Waspee, No. 9010, Polly Larney, No. 8943, Millie Davis, No. 6966, and George Washington, No. 5324.

The Acting Commissioner points out discrepancies between affidavits filed at different times as to the death of several of these parties, and states that he is unwilling to recommend the reopening of the case, as recommended by you, on the affidavits now presented, and calls attention to the fact that the affidavits are all of the same form and several of them are carbon copies of the original, and in each instance a blank space was left to insert the name of the person to whom the affidavit relates.

The attorney for the Creek Nation requests that the cases be reopened, and that a rehearing be had in each.

Even though the affidavits submitted may not be entirely satisfactory, there appears to be no reason why careful investigation should not be had by you to determine whether the enrollment of these persons was ~~per~~ proper. The authority requested is therefore granted. The papers received with the Acting Commissioner's letter, except your report, are inclosed together with a copy of the acting Commissioner's letter. If deemed necessary, you can require further affidavits before proceeding with the investigation.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

10 inclosures.

Ed 933
(Copy)

Muskogee, Indian Territory, July 11, 1905

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

October 13, 1904, the Department granted your motion for rehearing in the matter of the right to enrollment of Millie and Katie Davis, both deceased, as citizens by blood of the Creek Nation.

You are hereby notified that said case is set for rehearing at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, August 7, 1905.

The Creek Nation will be permitted to introduce evidence in said matter at the same time and place.

Respectfully,

Commissioner.

Sn 933
(Copy)

EXECUTIVE OFFICE,
Muskogee Nation.

P. PORTER, Principal Chief.
M. L. Mott, National Attorney.

Muskogee, Indian Territory, July 24th, 1905.

Commission to the five Civilized Tribes.

Muskogee, I. T.

My dear sirs:

Prior to the meeting of the Creek Council in October last, I made application to the Secretary of the Interior to reopen quite a number of cases upon the ground that the allotments had been secured by fraud. In every case the request was granted. When the Council met I advised them of the necessity of making an appropriation to pay the witnesses in these fraudulent cases, they passed an act appropriating five thousand dollars for this purpose. The President declined to approve the appropriation, setting out that he was advised by the Secretary of the Interior that a correction of these frauds could be had through the Courts. Having no money to pay the witnesses, and no means of bringing them before your Commission I will have to abandon any further effort to investigate them in the manner intended. In each case I withdraw motion for rehearing.

Yours very truly,

(signed) M. L. MOTT,
National Attorney.

REFER IN REPLY TO THE FOLLOWING:

In.984.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 19, 1906.

James Davis,

Holdenville, Indian Territory.

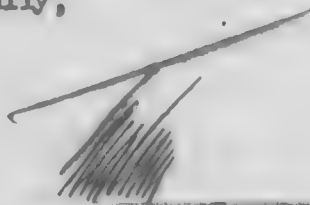
Dear Sir:

February 8, 1906, a letter was addressed to you by this office notifying you that a rehearing would be had in the matter of the enrollment of Millie Davis, deceased, on February 19, 1906, said case being reopened by the Secretary of the Interior under date of October 1, 1904, on motion of the attorney for the Creek Nation, accompanied by affidavits to the effect that said Millie Davis died prior to April 1, 1899. No appearance being made by you on the date set, you are hereby notified that a rehearing in this matter will be had at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, on July 6, 1906, at which time you will be permitted to introduce evidence relative to the date of death of said applicant.

The attorney for the Creek Nation has been notified that he will be given an opportunity to introduce

evidence at said time and place.

Respectfully,

A handwritten signature, possibly "J. Edgar Hoover", written in dark ink. The signature is slanted upwards to the right and consists of a series of connected, somewhat stylized letters.

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

En. 984.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 12, 1906.

Selina Davis,
Holdenville, Indian Territory.

Dear Madam:

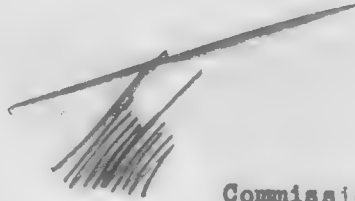
February 8, 1906, a letter was addressed to you by this office notifying you that a rehearing would be had in the matter of the enrollment of Millie Davis, deceased, on February 19, 1906, said case being reopened by the Secretary of the Interior under date of October 1, 1904, on motion of the attorney for the Creek Nation, accompanied by affidavits to the effect that said Millie Davis died prior to April 1, 1899. No appearance being made by you on the date set, you are hereby notified that a rehearing in this matter will be had at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, on July 6, 1906, at which time you will be permitted to introduce evidence relative to the date of death of said applicant.

The attorney for the Creek Nation has been

-2-

notified that he will be given an opportunity to introduce evidence at said time and place.

Respectfully,

A handwritten signature, possibly "J. Edgar Hoover", written in dark ink. The signature is slanted upwards to the right and consists of a series of connected, somewhat stylized letters.

Commissioner.

Muskogee, Indian Territory, October 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

September 14, 1904, the Commission to the Five Civilized Tribes transmitted to the Department a communication from the attorney for the Creek Nation, in the nature of a motion to reopen the matter of the right to enrollment of Millie Davis, deceased, whose name is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 25, 1902, opposite No. 988. Said motion was accompanied by an affidavit executed by Lawyer Deane and Thomas Long to the effect that said Millie Davis died prior to April 1, 1895.

The Commission to the Five Civilized Tribes, in its report transmitting said motion and affidavit, recommend-

Secretary 2.

ed that the case be not reopened and stated that it appeared from its records that there had been filed in the case proof of death of said Millie Davis by her husband, James Davis, and by Selina Davis, an acquaintance, to the effect that said Millie Davis died on the fourth day of October, 1899.

October 1, 1904 (I.T.D. 8140-1904), the Department reopened said case and authorized the Commission to investigate whether the enrollment of said Millie Davis, deceased, was proper.

In compliance with verbal requests of the attorney for the Creek Nation, action in this case was suspended from time to time until July 11, 1905, on which date the parties in interest were notified that the case was set for hearing August 7, 1905, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory. No appearances were made on the day set.

July 24, 1905, this office received a communication from the attorney for the Creek Nation withdrawing all motions to reopen Creek enrollment cases filed by him prior to the meeting of the Creek council in October, 1904.

October 2, 1905, a ~~report~~ was transmitted to the

Secretary 3.

Department in the matter of the right to enrollment of Aaron McGirt, deceased, and it was recommended in said matter that in view of the facts in the case and of the action of the attorney for the Creek Nation in withdrawing his motion to reopen same, that the enrollment of said Aaron McGirt, deceased, be allowed to stand.

The Department under date of November 3, 1905 (I.T.D. 14280-1905), directed that an investigation be had as to the right to enrollment of said Aaron McGirt, deceased, stating that "it is not necessary for the Creek Nation to supply funds to investigate this matter. You are authorized to see that correct rolls of Creek citizens be made, and have been furnished with the means necessary for that purpose".

In accordance with instructions as above set out, a hearing as to the right to enrollment of Willie Davis, deceased, was set for February 19, 1906. No appearances were made on said date.

The parties in interest were notified that a hearing would be had on July 6, 1906 and on July 7, 1906, testimony was taken in this matter, the applicant and the Creek Nation both being represented by attorney at said hearing.

Secretary 4.

The testimony taken in said later proceedings as to the date of death of said applicant was very contradictory and inconclusive.

It will be noted from the statement of M. L. Mett, attorney for the Creek Nation, made at the conclusion of said hearing, that it is his opinion that the testimony of certain witnesses introduced on behalf of the nation is not of such a character as could be relied upon.

I am of the opinion that the evidence is not sufficient to warrant the conclusion that said Millie Davis died prior to April 1, 1899, the date of the opening of the Creek land office, and respectfully recommend that the name of said Millie Davis, deceased, on the approved roll of citizens by blood of the Creek Nation, opposite No. 4966, be allowed to stand.

A complete copy of the record in the case is herewith enclosed.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

AG-50

Refer in reply to the following:

Copy

Land

94584-1906

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

November 24, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the inclosed letter of October 23, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, who says that on September 14, 1904, the Commissioner to the Five Civilized Tribes transmitted to the Department a communication from the attorney for the Creek Nation, in the nature of a motion to reopen the matter of the right to enrollment of Millie Davis, deceased, whose name appears opposite No. 6966 on the partial list of citizens by blood of the Creek Nation which was approved by the Department on March 28, 1902. The motion was accompanied by an affidavit executed by Lawyer Deere and Thomas Long to the effect that Millie Davis died prior to April 1, 1899.

Mr. Bixby also says that the Commission in its report transmitting the motion and affidavit recommended that the case be not reopened, saying that it appeared from its records that there had been filed in the case proof of death of Millie Davis, executed by her husband, James Davis, and Selina Davis, an acquaintance, to the effect that Millie Davis died on the 4th day of October, 1899.

On October 1, 1904, the Department (I.T.D. 8140-1904), reopened the case and authorized the Commission to investigate whether the enrollment of Millie Davis was proper.

The Commissioner reports that in compliance with verbal requests of the Attorney for the Creek Nation, action in the case was suspended from time to time until July 11, 1905, on which date the parties in interest were notified that the case was set for hearing on August 7, 1905, at the office of the Commissioner in Muskogee. No appearances were made on the day set.

Mr. Bixby also reports that on July 24, 1905, he received a communication from the attorney for the Creek Nation withdrawing all motions to reopen Creek enrollment cases filed by him prior to the meeting of the Creek Council in October 1904. The Commissioner refers to the case of Aaron McGirt, a deceased Creek, wherein the Department, under date of November 3, 1905 (I.T.D. 14250-1905), directed that he make an investigation independent of the attorney for the Creek Nation.

He says that in accordance with the instructions in the McGirt case, a hearing as to the right to enrollment of Millie Davis, deceased, was set for February 19, 1906. No appearances were made on that date.

The parties in interest were notified that a hearing would be had on July 6, 1906, and on July 7, 1906, testimony was taken in the matter, the heirs of the applicant and the Creek Nation being represented by attorneys.

The Commissioner reports that the testimony taken in the later proceedings as to the date of death of Millie Davis was very contradictory and inconclusive and invites attention to the remark of M.L. Mott, attorney for the Creek Nation, made at the conclusion of the hearing, that it was his opinion that the testimony of certain witnesses introduced on behalf of the Nation was not of such a character as could be relied on.

The Commissioner says that he is of the opinion that the evidence

is not sufficient to warrant the conclusion that Millie Davis died prior to April 1, 1899, the date of the opening of the Creek Land Office, and recommends that her name be allowed to stand on the approved roll. He transmits a complete copy of the record.

The record has been examined and the Office is of opinion that the proof is not sufficient to justify the striking of the name of Millie Davis from the roll of Creek citizens, and I therefore concur in the recommendation that it be allowed to stand.

Very respectfully,

C.F. Jarrabee

Acting Commissioner

KBH-Y.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, Dec 8, 1906 CRW LLB

I T D 23944-1906

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

November 24, 1906 (Land 94584), the Indian office transmitted papers in the matter of the motion to reopen the enrollment case of Millie Davis, deceased, whose name appears opposite No. 6966 on the partial list of citizens by blood of the Creek Nation approved by the Department March 28, 1902.

The Indian Office concurs in your recommendation that the name of said Millie Davis be allowed to stand upon the said roll in view of the fact that the evidence introduced is not sufficient to warrant the conclusion that she died prior to April 1, 1899. A copy of its letter is inclosed.

The Department also concurs and the motion is denied.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan
First Assistant Secretary

Through the Commissioner
of Indian Affairs

1 inc and 2 to Ind Of

En 984

DEPARTMENT OF THE INTERIOR,

LHB

GRW

I.T.D. 23944-1906.

Dec. 8, 1906.

LHS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

November 24, 1906 (Land 94584), the Indian Office transmitted papers in the matter of the motion to reopen the enrollment case of Millie Davis, deceased, whose name appears apposite no. 6966 on the partial list of citizens by blood of the Creek Nation approved by the Department March 28, 1902.

The Indian Office concurs in your recommendation that the name of said Millie Davis be allowed upon the said roll in view of the fact that the evidence introduced is not sufficient to warrant the conclusion that she died prior to April 1, 1899. A copy of its letter is inclosed.

The Department also concurs, and the motion is denied.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(signed) Thos Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind. Of.

REPLY IN REPLY TO THE FOLLOWING:

No. 984

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 20, 1906.

James Davis,

Holdenville, Indian Territory.

Dear Sir:

You are hereby advised that on December 8, 1906, the Secretary of the Interior concurred in the recommendation of this office that the name of Millie Davis opposite Creek Indian Roll number 6966, be allowed to stand on said roll.

Respectfully,

W. O. Beall

Acting Commissioner.

CR EN 985

CR EN 985

785

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, October 3, 1905.

In the matter of the application for the enrollment of
Beatrice Andrew as a Creek freedman.

Cynthia Ross, being duly sworn testified as follows:

- Q What is your name? A Cynthia Ross.
Q What is your age? A 28.
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Cherokee.
Q Are you enrolled as a citizen of the Cherokee Nation? A I was
enrolled with my grand uncle.
Q Have you any land? A Never got any land.
Q You made application for enrollment as a citizen of the
Cherokee Nation to the Commissioner to the Five Civilized Tribes
and your application was denied was it not? A Yes, sir.
Q Did you at that time make application for the enrollment of
your child, Beatrice Andrew, as a citizen of the Cherokee
Nation? A Yes, sir.
Q What name did you give her when you made application for her
enrollment as a citizen of the Cherokee Nation? A Beatrice
Williams.
Q What is the name of her father? A Andrew Williams.
Q Was he ever called William Andrew? A Yes, sir.
Q Was he ever known by any other name? A No, sir.
Q What was the name of his mother? A Betsey Harris.
Q What was her name before that? A Betsey Burney.
Q Was he ever called William Burney? A I dont know. I never
heard it.

It appears from the records of this office that on June
21, 1901, application was made for the enrollment of
said Beatrice Andrew as Beatrice Williams as a Cherokee
freedman; that said application was on August 25, 1904,
denied by the Commission to the Five Civilized Tribes
and that the decision of the Commission was on October 3,
1904, affirmed by the Secretary of the Interior.

It appears from the records in said Cherokee case that
the father of said Beatrice Williams was Andrew Williams
and it is stated on said card that said Andrew Williams
is a Creek freedman.

1895 Pay Roll examined and Beatrice Andrew not identified
thereon.

The card in this case was prepared prior to September 1,
1904 and is considered as an application for the enrollment
of said Beatrice Andrew as a Creek freedman.

1890 authenticated tribal roll of the Creek Nation examined
and on page 17 thereof in Arkansas town is found the name
of William Burney, said name appears in the family of
Betsey Burney. 1895 Pay roll of the Creek Nation Arkansas
town examined and the name of William Burney appears thereon
in the family of Betsey Burney.

Q Is Beatrice Andrew living? A No, sir
Q How long has she been dead? A A year this last February
Q Was it in February 1904? A Yes, sir
Q Was she living at the time you made application for her enrollment as a Cherokee? A Yes, sir
Q You are sure of that? A Yes, sir
Q How old was she when she died? A Eleven
Q Were you married to William Andrew at the time she was born? A Yes, sir
Q Was he living at the time she died? A No, sir
Q He died before she did? A Yes, sir

It appears from the records of this office that on February 20, 1903, the Commission to the Five Civilized Tribes rendered a decision in the matter of the application for the enrollment of William Andrew as a Creek freedman, denying said application for the reason that said William Andrew died prior to April 1, 1899, said decision was affirmed by the Department March 23, 1903

Betsey Harris, being duly sworn testified as follows:

Q What is your name? A Betsey Harris, but my name was Burney
Q Do you know the father of this child Beatrice Andrew? A Yes, sir he was my son.
Q Was he ever called Andrew Williams? A Yes, sir, they called him that after he left home. He left home in 1901 and went to the Cherokee Nation.
Q Was he ever called William Burney? A Yes, they called him that when he stayed at home with his stepfather.
Q Was he married to Cynthia Ross? A Yes, sir
Q Was he married to her at the time Beatrice Andrew was born. A Yes, that is what they told us, I wasn't there.
Q Did he die before Beatrice did? A Yes, sir
Q Did you ever see him when he was living with her and that child? A No, sir but I got letters from him.
Q You know he did live with her and had that child? A Yes, sir
Q Do you know how long Beatrice has been dead? A No, sir I dont know
Q Where did Cynthia and that child Beatrice live? A At a place called Lenapah in the Cherokee Nation.
Q Did you draw money for William in the \$29.00 payment? A Yes, sir
Q Did you draw it for him in the \$14.00 payment? A Yes, sir
Q Are you certain that he is the ~~son~~ father of that child Beatrice? A They said they were lawfully married. She married him when she was thirteen years old.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to
before me this 10 th day of October 1905.

Anna Garrigues
Edw. Garrigues
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Beatrice Andrew, deceased, as a Creek freedman.

D E C I S I O N.

The record in this case shows that on June 21, 1901, application was made to the Commission to the Five Civilized Tribes for the enrollment of Beatrice Andrew, under the name Beatrice Williams, as a Cherokee freedman, that said application was on August 25, 1904, denied by said Commission, and that on October 5, 1904, said decision of the Commission to the Five Civilized Tribes was affirmed by the Secretary of the Interior.

The record further shows that it appeared from the record in said Cherokee case that said Beatrice Andrew was the child of a Creek freedman, and that the rights of said applicant as a Creek freedman have not been determined.

Said application of June 21, 1901, is therefore now considered as an application for the enrollment of said Beatrice Andrew, deceased, as a Creek freedman.

Further proceedings were had October 3, 1905.

The evidence shows that said Beatrice Andrew, deceased, was born prior to April 1, 1899 and that she died in the month of February, 1904.

The evidence further shows that said Beatrice Andrew, deceased, was the minor child of William Andrew, and that said William Andrew is identified as William Burney, whose name appears on the 1890 Authenticated Tribal Roll of the Creek Nation and on the 1895 Pay Roll of said nation.

It is, therefore, ordered and adjudged that said Beatrice Andrew, deceased, is entitled to be enrolled as a Creek freedman in accordance with the provisions of the acts of Congress approved June 28, 1898, (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and the application for her enrollment as such is accordingly granted.



Commissioner.

Muskogee, Indian Territory,

NOV 11 1905

*This is a
new enrollment
case - testimony
not yet transcribed*

8985

Muskogee, Indian Territory, October 4, 1905.

Chief Clerk,

Cherokee Enrollment Division.

Dear Sir:

October 3, 1905, Cynthia Ross appeared before this office and submitted testimony relative to the right to enrollment of her minor child, Beatrice Andrew, deceased, as a Creek freedman.

It appears from the testimony submitted on that date that application was made for the enrollment of said Beatrice Andrew, as Beatrice Williams, as a Cherokee freedman.

You are requested to advise this office whether or not an application was made for the enrollment of said Beatrice Andrew, or Beatrice Williams, as a Cherokee freedman and if so what disposition was made of same.

You are further requested to advise the Creek Enrollment Division if the record in said Cherokee case shows anything about the father of the child having rights as a citizen of the Creek Nation.

An early reply is requested.

Respectfully,

Commissioner.

REPORT OF DEPT. TO THE FOLLOWING:
Cherokee Freedmen

D-792.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 9, 1905.

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

In reply to your letter of October 4, you are advised that it appears from an examination of the records of this office that on June 21, 1901, Cynthia Ross applied for the enrollment of herself and minor daughter, Beatrice Williams, as Cherokee freedmen; that the application for their enrollment was denied by the Commission to the Five Civilized Tribes on August 25, 1904, and that its action was approved by the Secretary of the Interior on October 3, 1904. The father of Beatrice Williams was given as Andrew Williams.

It appears from a note on the Cherokee freedmen roll card on which Cynthia Ross and Beatrice Williams are listed for enrollment that Andrew Williams, father of Beatrice, is a Creek freedman.

Respectfully,

LS

Commissioner.

Muskogee, Indian Territory, November 13, 1905.

M. E. Hunt,

Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Beatrice Andrew (deceased) as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if, at the expiration of that time no protest has been filed, said Beatrice Andrew (deceased) will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Commissioner.

JYM-13-8

Or En 985

Muskogee, Indian Territory, November 13, 1905.

N. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Beatrice Andrew (deceased) as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if, at the expiration of that time no protest has been filed, said Beatrice Andrew (deceased) will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Commissioner.

JYM-13-8

Or En 985

Muskogee, Indian Territory, January 10, 1906.

Cynthia Ross,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the name of your deceased minor child, Beatrice Andrew, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior January 4, 1906, and that application by the legal representatives for the heirs of said child for a selection of land in the Creek Nation may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR

EN 986

CR EN 986

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
OKLAHOMA, I. T., JUNE 12, 1904.

3185

In the matter of the application for the enrollment of John Archie et al., as citizens of the Creek Nation.

Thlepullie being duly sworn testified as follows through Amos McIntosh, official interpreter:

By the Commission:

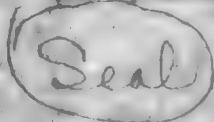
- Q State your name, age and post office address? A Thlepullie; about 50; Oktaha.
- Q Are you a citizen of the Creek Nation, Ketchapataka town? A Yes.
- Q Do you know John Archie and his family? A He knows him; he lives over at Bragg.
- Q Do you know each one of his family--(naming them)? A I know Lewis, Katie and Lizzie; they are dead; don't know when.
- Q Hekts? A I think she is living.
- Q Charley Coachman? A Is living up West her at Greenleaf.
- Q Dick Archie? A Living.
- Q Nellie? A She's living.
- Q Sarwike? A She's up to Greenleaf.
- Q Jack Rabbit? A Out about Itshas Harjo's East of Tahlquah.
- Q Sissie Rabbit? A He is living.
- Q Do you know as to their intention in regard to taking allotments? A He don't know about the balance but John Archie is against it and he don't think he would take it.
- Q Do you know whether all or part of these are full blood Indians?
- A They are all full bloods he thinks.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 6 day of July, 1904.

Notary Public, Expires January, 1905.



Wm. Martin Jr.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
OKTAH, I.T. JUNE 18, 1904.

In the matter of the application for the enrollment of John, Lewis, Katie, Lizzie, Hokte Archie, Charlie Coachman, Nellie and Sarwike Archie, Jack and Sissie Rabbit as Creek citizens.

Sampson being duly sworn testified as follows through Amos McIntosh, official interpreter:

Examination by the Commission:

- Q State your name, age and post office address? A Sampson; about 50; Oktaha.
I. 3185.
Q Do you know these people? A That Sarwike is John Archie's step-son; Lizzie is dead.
Q When did Lizzie die? A I believe she died before allotment began.
Q Lewis Archie? A That's Archie's son.
Q Do you know whether he is living? A He is dead.
Q When did he die? A Don't know exactly but its along about the same time the other one died.
Q Before or after the smallpox was so bad in the western part of the Creek Nation? A It was before the breaking out of the disease; he was sick a long time and died with the consumption.
Q Does he mean the smallpox that killed so many people in the western part of the Creek Nation? A Yes sir, that's about the same time but he died with a different disease.
Q Did he die before the Commission began making allotments in the Creek Nation? A Yes sir, before.
Q John Archie is living, is he? A Yes sir; he made inquiries at his home and they told him that he was still living.
Q Katie Archie? A John Archie has a sister by the name of Katie.
Q Is Katie living? A No sir, been dead a good while.
Q Did she die before or after Lewis died? A Before.
Q Hokte Archie? A Archie has a daughter by the name of Hokte Charta.
Q About how old is she? A Don't know; but she is just about grown.
Q Is she living? A Yes.
Q Is she married? A No.
Q Is she a full blood Creek Indian? A John Archie is a full blood Creek and I am under the impression that the mother is part Cherokee.
Q But John is a full blood Creek, is he? A Yes sir.
Q Charlie Coachman? A That's a step-son; he knows him; he lives west now and comes from over there.
Q Do you know whether he is a citizen of the Creek Nation? A I think he has been enrolled as a Creek citizen and drew some money.
Q Rick Archie? A That's John Archie's son.
Q Living or dead? A He is living.
Q Do you know if he and Hokte have the same mother? A I believe Dick has a different mother.
Q Do you know if Sarwike is living? A Yes; Sarwike and Charlie are supposed to be brothers and Sarwike is supposed to be dead.
Q Jack Rabbit and Sissie Rabbit? A They are over there in the Cherokee Nation; I think Sissie is Cheananny; they are brothers and sisters and there's just the two of them.
Q Do you know whether Jack and Sissie Rabbit are living? A Yes sir, that boy lives at Itahar Farjo's and the girl lives with her father, John Archie; they were both living the last I heard of them.

Q. Nellie Archie? A. He has a step-daughter, but that don't seem to be the name.

Q. Do you know whether John, Hoke, Dick, Nellie and Sarwike Archie and Jack and Sissie Rabbit and Charlie Cochran has taken allotments as Cherokees? A. They haven't taken it there.

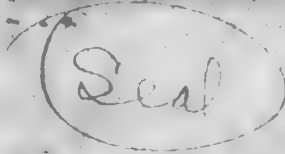
Q. Do you know whether they intend to take allotments in the Creek Nation? A. He says that John Archie is very much opposed to allotments of land and they don't intend to take it.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 6 day of July, 1904.

My Commission Expires January 19th 1906.



Wm. Martin Jr.
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CHEROKEE TRIBES.
Okmulgee, I. T., October 26, 1904.

In the matter of the application for the enrollment of John Archie et al., as citizens by blood of the Creek Nation.

SAWIKE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

- Q What is your name? A Sawike.
Q Have you any other name besides that? A Sometimes called Thomas Tiger.
Q How old are you? A About twenty years old.
Q What is your post office address? A Okemah.
Q What is the name of your father? A Heneha Chupco.
Q Is he living or dead? A Dead.
Q What is the name of your mother? A Seneche.
Q Is she living or dead? A Dead.
Q Are you a full-blood Creek Indian? A Yes, sir.
Q To what town do you belong? A Fishpond.
Q Have you been enrolled in Ketchapataka Town? A I think I have.

The 1891 Omitted Roll of the Creek Nation examined and Sawike identified thereon at Page 767, Ketchapataka town as Sawigee. is also identified on the 1895 Pay Roll of the Creek Nation, Ketchapataka Town, No. 284.

- Q Where were you born? A In the neighborhood of Fishpond Town.
Q Did you ever live in the Cherokee Nation? A Yes, sir.
Q Ever draw any money from the Cherokee Nation? A My step-father had me enrolled and drew money for me there but I never saw it.
Q Was John Archie your step-father? A Yes, sir.
Q Have you lived in the Indian Territory all your life? A Lived here all of my life.
Q If it should be found that you have the right to be enrolled in either the Creek or Cherokee Nations, in which nation do you elect to be enrolled? A I desire to select my allotment in the Creek Nation.
Q Where do you desire to be enrolled by the Commission? A I desire to be enrolled in the Creek Nation.
Q Do you know Lewis Archie? A Yes, sir.
Q Is he living or dead? A Dead.
Q How long has he been dead? A I do not know. Died since my return to the Creek Nation.
Q How long have you been back from the Cherokee Nation? A I think about three years.
Q Hasn't Lewis Archie been dead more than three years? A I do not know when he died--probably it has been longer than three years.
Q Where does John Archie live? A In the Cherokee Nation.
Q Has John Archie a sister named Katy? A I think she is dead.
Q Was she married? A I do not know.
Q Did John Archie have a daughter named Lizzie? A She was my sister. She is dead.
Q How long has she been dead? A I do not know when she died only that she died since my return to the Creek Nation from the Cherokee Nation.
Q How long did you say you had been back from the Cherokee Nation? A I said a while ago I had been back three years but I may have been back longer than that.

Q Did John Archie have a daughter named Hoke. She may have been called Semehoye? A Yes, sir, she is living.
Q Was Semehoye ever called by any other name over in the Cherokee Nation? A She was called Hoke.
Q Was Lizzie called by any other name over in the Cherokee Nation? A I don't think that she had any other name.
Q Do you know Charlie Coachman? A That is him. (indicating a man who is in the room).
Q Do you know Dick Archie? A Yes, sir.
Q Is he living or dead? A Living.
Q Where does he live? A In the Cherokee Nation.
Q Was he ever called by any other name than Dick? A That is all the name he has.
Q Did you know Nellie? A I don't believe I know her.
Q Did you have another sister besides Lizzie and Semehoye? A I only had two sisters.
Q Did you know Jack Rabbit? A No, sir.
Q Did you know Sissie? A No, sir.
Q Did you know Polly? A No, sir.
Q Did you know Sallie? A No, sir.
Q Do you know Sam? A No, sir.
Q Has your sister, Lizzie, been enrolled and recieved land in the Cherokee Nation? A I do not know.

CHARLIE SIMMER, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A Charlie Simmer.
Q How old are you? A About thirty years old.
Q What is your post office? A Okemah.
Q Do you belong to Fishpond town? A Yes, sir.
Q Did you draw money in Fishpond Town at the \$29.00 and the \$14.00 Payments? A I drew the \$29.00 Payment as a member of Ketchapataka Town and the \$14.00 Payment as a member of Fishpond Town, the town to which I properly belong.
Q Do you know John Archie? A Yes, sir.
Q Where does he live? A In the Cherokee Nation.
Q Did you ever live in the Cherokee Nation? A Yes, sir, I lived over there---I ran over there.
Q Under what name were you known over there? A I was known in the Cherokee Nation as Charlie Coachman.
Q What is the name of your father? A Coachman.
Q Who was Simuntulla? A I remember the man but don't know to what town he belonged.
Q What is the name of your mother? A Seneche.
Q Who was Ellen? A I do not know.
Q Are you and Sawike half brothers? A Yes, sir, of one mother.
Q Did you draw money in the Cherokee Nation? A No, sir.
Q Was any money drawn for you over there? A No, sir, I lived over here.
Q You have already been enrolled by the Commission and got your land under the name of Charlie Simmer? A Yes, sir. I have the land and have it in cultivation and a white man living on it.
Q Did you ever live in the family of John Archie? A Yes, sir, he was my step-father.
Q Did you have a half sister named Lizzie? A Yes, sir.
Q She is dead is she? A Yes, sir.
Q How long has she been dead? A I do not know how long she has been dead.
Q Do you know whether she was enrolled and got land over in the Cherokee Nation or not? A I do not know.
Q Have you a half sister named Semehoye? A Yes, sir.
Q Do you know whether she has been allotted land in the Cherokee Nation or not? A No, sir.
Q Do you know whether John Archie has been allotted land over there

or not? A No, sir.

Q Was Lizzie ever called by any other name? A Not that I know of.

Q Was Semehoye ever called by any other name? A She was sometimes known as Hoke.

Q Do you know Dick Archie? A Yes, sir.

Q Is he a half brother of yours? A No, sir.

Q He is a son of John Archie, is he? A Yes, sir.

Q Is he living? A At last accounts he was living with his father in the Cherokee Nation.

Q Do you know Nellie Archie? A No, sir.

Q Do you know any one in that family named Nellie? A They have a number of small children I do not know their names.

Q This is a woman about twenty-five years old? A I do not know her.

Q Do you know Sawike? A Yes, sir.

Q How long has he been back from the Cherokee Nation? A Now going on six years. It has been fully five years.

Q Did Lizzie die before he came back to the Creek Nation or after?

A Lizzie died since his return.

Q How long after he got back do you know? A I do not know.

Q Did you know Jack Rabbit? A Yes, sir.

Q Do you know whether he is living or not? A He is living in the Cherokee Nation.

Q Is he called by any other name over there? A I never heard him called by any other name.

Q Do you know Sissie Rabbit? A I do not know her. It may have been a sister of Jack's.

Q Do you know any one by the name of Eyahni? A Yes, sir.

Q Who is Eyahni? A John Archie's present wife?

Q Is she a Cherokee Indian? A She is a Creek.

Q Do you know Sahoye? A Eyahni had a daughter it might have been her. It is just a supposition of mine.

Q Do any of these people that I have named over, except yourself and Sawike, live in the Creek Nation? A All of the rest are living in the Cherokee Nation.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 4 day of Nov. 1904.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE ENROLLMENT FIELD PARTY.
BRAGGS, I. T., APRIL 25, 1905.
4 MILES SOUTHWEST.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JOHN ARCHIE ET AL., as citizens of the Creek Nation.

JOHN ARCHIE, being first duly sworn, testified as follows, through interpreter, JAMES MUSKRAT:

BY THE COMMISSION:

- Q What is your name? A John Archie.
- Q What is your age? A 66.
- Q Are you a citizen by blood of the Creek Nation? A Yes sir.
- Q Did you have a son by the name of Lewis Archie? A Yes sir, he is now dead.
- Q How long has he been dead? A He has been dead about 10 or 11 years.
- Q Did you have a sister by the name of Kate Archie? A Yes sir, she is dead, buried right over there.
- Q How long has she been dead? A About 8 years.
- Q Did you have a daughter by the name of Lizzie? A Yes sir, she is dead, buried right over there.
- Q How long has she been dead? A 11 years.
- Q Did you have a step-daughter by the name of Nellie Archie? A She was my sister-in-law.
- Q Is she living or dead? A She is dead.
- Q How long has she been dead? A 18 years.
- Q Did you know Jack Rabbit? A Yes sir.
- Q Is he your nephew? A No sir, he is my first cousin.
- Q Is Jack Rabbit living? A No sir he is dead.
- Q How long has Jack Rabbit been dead? A About a month.
- Q Is Siny Rabbit related to you? A She is my first cousin.
- Q Is she living or dead? A She is dead.
- Q How long has she been dead? A About 13 years.
- Q Is Dick Archie your son by your first wife? A Yes sir.
- Q Is he living with you in the Cherokee nation at the present time? A Yes sir, he is making this his home.
- Q How old is he at the present time? A 25.
- Q Has he ever lived in the Creek Nation? A No sir, this is the only place he knows; he had him a wife here but she ran off and left him.
- Q You have been enrolled as a citizen of the Creek nation, haven't you? A Yes sir.
- Q Does your boy Dick Archie desire enrollment as a citizen of the Creek nation or as a citizen of the Cherokee nation? A I don't know, he can say for himself, I don't know whether he wishes to be enrolled as a Creek or Cherokee.
- Q You have elected for yourself to be enrolled as a citizen of the Creek nation, have you not? A Yes sir, I guess so, there is where I draw my money.
- Q If it is found by the Commission to the Five Civilized Tribes that you and your children mentioned are entitled to enrollment as both Creeks and Cherokees, do you desire them to be enrolled as citizens of the Creek nation or the Cherokee nation? A I would rather take up here in the Cherokee nation; I have been here ever since 1865.
- Q If you are entitled to enrollment as a Creek and as a Cherokee, do you elect for yourself and your family to be enrolled as citizens of the Cherokee Nation? A Yes sir.

- Q How long have you lived in the Cherokee Nation? A Ever since 1865.
- Q Were you enrolled on the 1820 Cherokee Tribal Roll in Illinois District? A Yes sir, I was here in 1880.
- Q You have always been enrolled by the Tribal authorities of the Creek nation as a citizen of the Creek nation have you not?
- A No sir I never have enrolled over there only when I could get some money, then I put in.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 10th day of May, 1905.

Myron White

Notary Public.



How long as I have lived in the United States, I have never seen a more beautiful country than this.

I have seen many beautiful countries, but none so beautiful as this.

I have seen many beautiful countries, but none so beautiful as this.

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FILED
MAY 10 1905
COMMISSION TO FIVE TRIBES.

Or. I. 318

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 11, 1905.

In the matter of the application for enrollment of John Archie et al. as citizens by blood of the Creek Nation.

John Archie, being duly sworn testified as follows through Jesse McDermott official interpreter.

- Q What is your name? A John Arch.
- Q Are you ever called John Archie? A Yes, sir
- Q Were you ever know by any other names than Arch and Archie? A That's my only name.
- Q What is your post office address? A Braggs, I.T.
- Q Have you been enrolled as a citizen of either the Cherokee or Creek Nations? A I am enrolled as a Creek.
- Q Have you received your land in the Creek Nation? A Yes, sir
- Q Did you get an allotment certificate or deed for your land in the Creek Nation? A No, sir
- Q Do you know where your land is in the Creek Nation? A In the north west of the Creek Nation, up near the Osage Nation.
- Q Do you know the number of the township it is in? A No, sir
- Q Have you a boy named Lewis Archie? A I did have. He is dead.
- Q Do you know when the Creek land office opened? A No, sir
- Q Do you remember hearing about its opening? A Yes, I just heard about it.
- ✓ Q Did Lewis die before or after the Creek land office opened? A Since the land office opened.
- Q How long has Lewis been dead? A Nine years
- Q Are you certain he has been dead as much as nine years? A Yes
- Q Do you know what year he died in? A I dont know that.
- Q Have you a sister named Katie Archie? A Did have she is dead' also
- Q Which died first Lewis or Katie? A Lewis first
- ✓ Q How long has Katie been dead? A About eight years
- Q Have you a daughter named Lizzie? A Yes, sir, she is dead too
- ✓ Q Did she die before or after Katie? A Lizzie died about six years ago.
- Q She died after Katie died? A Yes
- Q Did Lizzie die in the spring, fall or winter? A In the summer
- Q Have you a daughter named Hokse? A I have one by the name of Hokse
- Q How old was Lewis at the time he died? A He was about twenty three
- Q How old was Lizzie when she died? A 20
- Q Is your daughter Hokse living? A Yes
- Q How old is she now? A Judging from her size, she must be 13 or 14
- Q Did you have a member of your family named Charley Coachman? A Yes, sir
- Q What was the name of his father? A Coachman
- Was his father ever called Simuntulla? A No, sir
- Q What was the name of his mother? A Cinda Collins
- Q Was she ever called Ellen? A No, sir

Q Is your son Dick some times called John Archie? A No, sir.
 Q Do they some times call him John Dick? A Yes, the young man is right here.
 Q Did you ever have another son called John? A No, Sir.
 Q Do you know Nellie? A Possibly it may be the same as Naley.
 Q Who is Naley? A There was a little girl in my family, sister of Lewis that you asked me about who died a good while ago, possibly that may be the one.
 Q Did you draw money for her at the \$14.40 payment? A Yes, sir.
 Q What was her name? A Let's see now her Indian name was Jenina and they didn't like the name and called her Nellie.
 Q Who called her Nellie? A The people who wrote the names down.
 Q How long has that girl been dead? A It has been about twenty years since she died.
 Q Did you draw money for her at the \$14.00 payment? A Yes, sir.
 Q She was living at that time? A Yes, sir.
 Q That was only ten years ago and you say she died about twenty years ago? A It's my mistake.
 Q How long ago do you think she died? A She was living at the \$14.40 payment.
 Q How long after that did she die? A Shortly after the payment.
 Q How long after the Creek payment before Lewis died? A All of these people I have told you about died since the \$14.40 payment.
 Q We understand it was after the \$14.40 payment but we want to know how long? A I really do not know because I didn't keep a record of their deaths.
 Q Who gave you or set out for you the land you say you have in the Creek Nation? A Tom Adams.
 Q Do you live on that land? A I live in the Cherokee Nation.
 Q You were never allotted land by this Commission were you? A No, sir.
 Q Were any of your family about whom I have been questioning you ever allotted land by this Commission? A No, sir that is one reason I have brought these people here to file.

Dick Archie being duly sworn testified as follows through Jesse McDermott official interpreter.

Q What is your name? A Dick Archie.
 Q What is your post office? A Braggs.
 Q Are you a son of John Archie? A Yes, sir.
 Q Are you a brother of Lewis Archie? A Yes, sir He was my older brother.
 Q How long has Lewis been dead? A About eight years.
 Q Do you remember the \$14.00 Creek payment? A No, sir.
 Q How long has Katie been dead? A I dont know.
 Q Have you been enrolled and allotted by the Commission as a Cherokee or as a Creek? A I dont know.

As the witness appears unfamiliar with dates he is excused.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 11 day of October 1905.

Anna Garrigues

Edw. B. Sweeney
 Notary Public.

7986
C.I. 3115

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 16, 1906.

In the matter of the application for the enrollment of John /
Archee et al. as citizens by blood of the Creek Nation.

JOHN ARCHEE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A John Archee.
- Q How old are you? A About sixty-five.
- Q What is your post office address? A Braggs.
- Q Have you ever received your land in the Creek Nation? A I have never personally made selection of land in the Creek Nation but was under the impression, for a long time, that I was allotted over here.
- Q Did you not have that impression correctly? A No, sir, I understand that I have no allotment over here. I never knew that I did not have land in the Creek Nation until I came into the office.
- Q You are living in the Cherokee Nation now, are you? A Yes, sir.
- Q How long have you lived in the Cherokee Nation? A I have lived over there a long time. I don't know how many years. I removed to the Cherokee Nation from Hickory Ground when I was a boy. I was a small boy before the war.
- Q Do you remember the \$14.00 Payment in 1895? A Yes, sir.
- Q Were you in the Creek Nation at that time? A I was living in the Cherokee Nation but went to Okmulgee and drew my money.
- Q How long before that payment did you remove to the Cherokee Nation? A I don't know, but it was a long time.
- Q Did you remove to the Cherokee Nation before the 1890 Payment? A Yes, sir. I went from the Cherokee Nation to Okmulgee and drew that money. I was living with my wife at Hickory Ground. My father was living in the Cherokee Nation and died and left some property. I removed there and remained.
- Q Was that shortly after you married your wife that you removed? A It was sometime afterwards.
- Q Was your son, Lewis, born in the Creek or Cherokee Nation? A In the Cherokee Nation.
- Q How long before he was born was it that you moved over there? A Lewis was born about two years before the Ispahche War.
- Q Were you living in the Cherokee Nation before the Ispahche War? A Yes, sir.
- Q When did Lewis Archee die? A He has been dead about four years. He was a young man when he died.
- Q You stated once before that he died nine years ago? A I must have been mistaken.
- Q Were you in the Cherokee Nation about the time the land office opened here, when people first began filing on their land? A Yes, sir.
- Q How long ago was that? A I don't know when the land office opened. I remember of hearing about it.
- Q Was Lewis living when the land office opened? A I think he was dead at that time.
- Q You testified once before and said he died after the land office opened? A I gave the testimony from my memory of the dates and I may have made a mistake.
- Q Can you give us the name of any one who does know the dates and can fix the date of the death of Lewis? A There was some one down at my place sometime ago and made the date of his death. I thought he was one of the Commissioners.

Q Don't you know that every year has four seasons; spring, summer autumn and winter? A That is my understanding.

Q How many summers have gone by since Lewis died? A According to my memory Lewis has been dead four winters. He died in the winter time.

Q The Creek Land Office opened right after the winter seven years ago? A I am unable to give the exact date of his death but I know that he died in the winter time.

Q You said he died four winters ago and the land office opened seven winters ago, therefore, you must be mistaken when you say that he died before the land office opened? A He must have died after the land office opened, if it has been seven years ago.

Q Do you remember about the opening of the land office here in Muskogee. I do not mean when the land office opened in Tahlequah? A I heard about the opening of the land office here in Muskogee.

Q Are you a farmer? A I raise corn and cotton.

Q How many crops of cotton have you raised since Lewis died? A I have raised about five crops of cotton.

Q Did you raise one every year? A Yes, sir.

Q Is your daughter, Katy, living? A She is dead.

Q Did she die before or after Lewis died? A Katy died first.

Q How long before Lewis did Katy die? A About two winters.

Q How many years ago did Katy die? A I have not kept count of the years and don't know how many years it has been.

Q Did she die before or after the opening of the land office in Muskogee? A She died before the land office opened.

Q Is your daughter, Lizzie, living? A She has been dead about three years.

Q How long after Lewis died did Lizzie die? A Some years afterwards.

Q As many as five years afterwards? A Something like that. When an Indian dies we quit counting the years: we just think he is dead and that is the last of him.

Q Do you know Nellie Archee? A She was a sister of my wife.

Q What was the name of her father? A His name was Sakhulgee.

Q What was the name of her mother? A Susie.

Q Did you know a Nellie Archee, a daughter of Seneche? A Seneche was a sister of Nellie.

Q When did Nellie die? A She died after Katy and Lewis died.

Q You testified once that Nellie died twenty years ago? A There were two Nellies. I had a daughter named Nellie, who was a little girl, and the other was a sister of Seneche.

Q The one I am asking about is Nellie Archee, a step-daughter of yours: not any sister of your wife? A I had a daughter named Nellie.

Q When did your daughter, Nellie, die? A I can't tell you.

Q We can't determine the right to enrollment of these people if you can't tell anything about them, and before this can be fixed up you must furnish definite proof as to when those people died. We can't tell whether they are entitled to enrollment if you cannot tell whether they died before the land office opened or not. You will have to furnish proof? A I don't know how you will determine the date of their deaths. We never kept any record.

Q Perhaps there are some white people around there or some of your neighbors who know? A I might inquire among my neighbors. If I don't get any land it is all right.

Q Where are these people buried? A There in my neighborhood.

Q In the Cherokee Nation? A Yes, sir.

Q Are there any marks on the head-boards of their graves? A No. That is the custom now but it was not then.

Q Was there any record made by the church people about the funeral of these people? A No, sir.

Q Are you a member of any church? A No, sir.

Q Were any of these people we have been asking you about members of any church? A No, sir. They went to stamp dances but never went to church.

Q Can you give us the names of any white men who have lived in your neighborhood about as long as you have? A There was a white man in the neighborhood when Lewis died but I don't know his name or where he now is.

Q Are there any Indians living near you? A Yes, sir.

Q Would they know the date or time these people died? A Probably so. There are two of my neighbors here now who may know.

Q What are their names? A Johnson Water and Lem Hilderbrand. I will not bother about the enrollment of those that are dead if my rights can be acted upon. Nellie, the sister of Seneche, died a long time ago but my daughter, Nellie, died after Katy died. I don't know anything about dates and want the dead ones separated from the living ones and the living ones acted upon at once: the dead ones can be acted upon later.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 19 day of Jan 1906.

W. H. M. M. M.
Notary Public

11.9.86
Fr. J. 8020

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 16, 1906.

In the matter of the application for the enrollment of Alexander as a citizen by blood of the Creek Nation.

Ryani being duly sworn testified as follows through Alex Posey official interpreter.

Q What is your name? A Ryani.

Q What is your age? A Thirty four.

Q What is your post office address? Sacktown. (Interpreter states that this is Braggs.)

Q Are you a Cherokee? A I have my allotment there.

Q Did you know a person by the name of Alexander? A Yes, sir.

Q Do you know the name of his father? A Isaac

Q Do you know the name of the mother of Alexander? A I don't know. I never heard her name mentioned.

Q Is this Alexander the same person as Alex Sunday of Cheyaha town child of William and Kizzie Sunday, opposite roll No. 996? No, sir not the same person.

Q Is this Alexander living? A Dead

Q About how old was he when he died? A Thirty four.

Q Was he a full blood Creek? A Yes, sir.

Q Do you know whether he ever received an allotment in either the Creek or Cherokee Nations before he died? A No, sir he never did receive an allotment in either nation.

Q To what Creek town did he belong? A Okfuskee.

Q When did he die? A On Christmas day 1904.

Q We have just had a Christmas 1905, was it the Christmas before that? A Yes, sir.

Q Where was he residing at the time of his death? A Near Bunch.

Q That's in the Cherokee Nation isn't it? A Yes, sir.

Q How long had he been living there before he died? A He lived there a long time. I don't know how many years.

Q Do you know if he ever drew any money from the Creek Nation?

A Yes, sir at Okmulgee.

Q How much? A He drew in every Creek payment.

Q Did he leave the Cherokee Nation and come over to Okmulgee and draw that money? A Yes, sir.

Q He never lived in the Creek Nation did he? A No, sir.

Q Was he ever known by any other name that you know of? A No, sir.

The Indians some times called him Ellegey which is the same as Alexander.

Q Was this Isaac you say was the father of Alexander ever known by any other name? A Isaac is all the name he was known by so far as I know.

Q Were you present when he died? A I received a letter telling me of his death.

Q Who was that letter from? A The daughter of Ilshaswachuley.

Q What was the name of that daughter? A Lydia

Q Lydia what? A Lydia Beaver.

Q Where does she live? A Bunch

Q Where is Alexander buried? A Right close to Ilshaswachuley's house

Q In the Cherokee Nation? A Yes, sir

-2-

Q Is there any headboard on the grave giving the date of his death?

A There is a grave house over him.

Q Has that anything to show when he died? A I think there is a head board but do not know whether there is any record of the date or not. I have the letter I received from Lydia Beaver at home.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before
me this 17 day of January 1906.

Anna Garrigues

J. M. McDermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 16, 1906.

In the matter of the application for the enrollment of
John Archie, et al. as citizens by blood of the Creek Nation.

Eyani being duly sworn testified as follows through
Alex Posey official interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Eyani.
Q Do you know John Archie? A Yes, sir, here he is.
Q Do you know his niece Sissie Rabbit? A Yes, sir, here she is here.
Q Do you know a son of John Archer by the name of Lewis Archer?
A Yes, sir.
Q Is he living? A Dead.
Q When did he die? A I don't know
Q Can't you form some idea of about when he died? A I can't say
how long he is dead.
Q Did Lewis die before people began filing on their land in the
Cherokee Nation? A Before people began filing.
Q How long before? A I don't know.
Q About how many winters ago was it that Lewis died? A I don't know.
Q How old is your oldest child? A My oldest child is about 20
Q Did Lewis die before or after that child was born? A The child
was born before Lewis died.
Q How long after that child's birth was it before Lewis died? A
My oldest child was about that tall (measuring about three feet)
when Lewis died.
Q What is the name of that oldest child? A Wallie
Q Do you know when Katie died? A I don't know when she died.
Katie died before Lewis died.
Q Don't you know when Lizzie died? A She died more recently.
Q Do you know how many winters ago Lizzie died? A I forget.
Q Do you know when Nellie Archie died? A I don't know.
Q Did you know Nellie Archie when she lived? A I used to see the
child.
Q What was the name of the father of Nellie? A I don't know.
Q What was the name of the mother? A I don't know

I, Anna Garrigues, on oath state that the above and foregoing is a
true and correct transcript of my stenographic notes as taken in
said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this 17 day of
January 1906.

Therman C. Shaffer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
NEAR BRAGGS, INDIAN TERRITORY,
JANUARY 7, 1907.

In the matter of the application for the enrollment of
John Archie, et al, as citizens by blood of the Creek Nation.

JOHN ARCHIE, being first duly sworn, by and examined through
Alex Posey, a Notary Public and official interpreter, testified as
follows:

BY THE COMMISSIONER:

- Q What is your name? A John Archie.
Q What is your age? A Over 65.
Q What is your postoffice address? A Braggs.
Q Are you a citizen of the Creek Nation? A Yes sir, I am a
Creek full blood, and never claimed to be anything else.
Q Of what Creek town are you a member? A Ketchopatoky.
Q Have you ever lived in the Creek Nation? A I have not lived
there since the big war.
Q Do you mean the civil war? A Yes sir. I have lived in
the Cherokee Nation continuously since 1866, right here where
you see me.
Q Have you ever been recognized as a citizen of the Cherokee Nation?
A No sir, I have always been considered a Creek citizen and claim
no rights outside of the Creek Nation. I have been told lately
however, that I am one of the lost Creeks, whatever that means,
but it does not seem that you experienced much difficulty in
finding me.
Q You are enrolled as a citizen of the Creek Nation and have
participated in all of the per capita payments there, have you?
A Yes sir.
Q Have you a family? A Yes sir.
Q Of how many members does your family consist? A Ten besides
myself.
Q All the members of your family are enrolled as Creek citizens,
are they? A Yes sir.
Q Can you name them? A Lewis, Katie, Lizzie, Hokte, Charley,
Dick, Nellie, Sarwike, Jack and Sissie.
Q Are they all living? A No sir, most of them are dead.
Q Which of them are dead? A Lewis, Katie, Lizzie, Hokte,
Nellie and Jack.
Q When did Lewis die? A In 1895.
Q Are you positive? A Yes sir, it was in that year.
Q What relation was he to you? A He was my son.
Q You have heretofore testified in this case, have you not?
A Yes sir.

- Q Have you succeeded in fixing the dates of the deaths of each member of your family since you testified last in this case?
A Yes sir.
- Q When did Katie die? A In 1892.
- Q What relation was she to you? A Sister.
- Q When did Lizzie die? A In 1898.
- Q What relation was she to you? A She was my daughter.
- Q When did Hoke die? A She died about 18 years ago.
- Q What relation was she to you? A She was my daughter.
- Q When did Nellie die? A Over 20 years ago, about 23 years ago.
- Q When did Jack die? A In December, 1902. He had been dead four years last December.
- Q What relation was he to you? A Nephew.
- Q Was Jack sometimes known as Jack Rabbit? A Yes sir.
- Q Name the members of your family that are now living?
A Dick, Charley, Sarwike and Sissie. Charley and Sarwike removed to the Creek Nation some years ago and are now living at Greenleaf.
- Q Have they taken their allotments of land in the Creek Nation?
A I understand so.
- Q What relation is Charley and Sarwike to you? A Step-sons. Charley is known both as Charley Coachman and Charley Simmer.
- Q The living members of your family now residing in the Cherokee Nation consist only of yourself, Dick Archie and Sissie Rabbit. Is that correct? A Yes sir.
- Q Has any member of your family living or dead been enrolled as a citizen of the Cherokee Nation and given an allotment of land as such? A No sir.
- Q Having made application for enrollment in the Creek Nation is it the intentions of yourself, Dick and Sissie, to remove to the Creek Nation and establish a home there in good faith as the law requires? A We are too poor and helpless to have such intentions, we are absolutely without the means that would enable us to go back to our people. We can go no where. We once owned a wagon and a team of horses but they have been taken from us to satisfy a mortgage. All that we have is this house which has been our home for many years and we could not think of leaving it at this season of the year to wander about without shelter in the Creek Nation looking for land not already filed upon. I am too old and feeble and ill in health for such an undertaking. We cannot go and will remain here.
- Q It will be impossible for you then to remove to the Creek Nation in order to secure your rights? A Yes sir.

NOTE:

The witness is lying in bed sick and the poverty of which he speaks is everywhere evident.

J. B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me,
this 9 day of January, 1907.

JBM

J. B. Myers

Ally Myers

Notary Public.

O.I. 3177,
En. 986,
En. 784.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
NEAR BUNCH, I. T., JANUARY 10, 1907.

In the matter of the application for the enrollment of Honechike, Cosarpe, Itshas Harjo, Marley, Liley, Mewike, Polly, Mary, Tissie, Warsarsie, Hoekapo, Sallie, Lydia and Alexander, as citizens by blood of the Creek Nation.

ITSHAS HARJO, being first duly sworn by and examined through Alex Posey, Notary Public and official interpreter, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Itshas Harjo.
- Q Are you known by any other name? A I am commonly known among my Cherokee brethren as Old Creek Beaver, but my real name is Itshas Harjo.
- Q How old are you? A I have passed through many days and many days and traveled a long way, the shadows have fallen all about me and I can see but dimly but my mind is clear and my memory has not failed me. I cannot count the years I have lived. All that I know about my age is that I was old enough to draw the bow and kill squirrels at the time of the second emigration of the Creeks and Cherokees from the Old Country under the leadership of Chief Coowesscoowee. I was born near Eufaula, Alabama and left there when about fifteen years of age. I was about sixteen years old when I arrived in this country, for the peaches were green when we left Alabama and the wild onions were plentiful here when we arrived.
- Q What is your postoffice address? A Bunch, but the mail I have received through that office has not been of a kind to please me, the same being official communications from the United States Government relative to the allotment of land.
- Q Are you a citizen of the Creek Nation? A I am a full-blood Creek Indian but I have never lived in the Creek Nation.
- Q Were you ever enrolled as a citizen of the Creek Nation?
- A Yes sir, once upon a time before the war I drew money at a per capita payment made at Old Northfork town in the Creek Nation but I have never participated in any Creek payment since.

- Q Did you not draw money as a member of Ketchopataky town when the last Creek per capita payment was made in 1895?
- A No sir, as I have told you I drew money only once in the Creek Nation and that was before the war.
- Q On the 1895 Tribal roll of the Creek Nation, of Ketchopataky town, are found the names of Honechike, Cosarpe, Itahas Harjo, Marley, Liley and Mewike, and there is an application pending before the Commissioner to the Five Civilized Tribes for the enrollments as citizens of the Creek Nation of the persons whose names appear in this list. Does Itahas Harjo in this list refer to you? A Evidently, because Marley, Liley and Mewike are my relatives but we do not belong to Ketchopataky town, and if the our names appear upon the roll of that town they were erroneously put there. The town to which we belong is Arbeka Deepfork.
- Q Who are Honechike and Cosarpe appearing in this list with you?
- A Honechike was an old Creek woman who used to live ~~abea~~ among the Cherokees, she returned to the Creek Nation many years ago and died there. I cannot account for Cosarpe, I never heard ~~his~~ *the* name before.
- Q What relation is Marley, Liley and Mewike to you?
- A Mewike was a brother of mine who died in March of last year. Marley and Liley are my neices, being the daughters of my brother Mewike. Marley died about two years ago and was variously known - only Liley is now living. My brother was variously known as Mewike, Ewike and John Killer. Marley was sometimes called Meheley, and Liley is also known as Tahkee.
- Q Do you know if they have been enrolled and allotted land as Cherokees? A I think that they are enrolled as Cherokees but I am not sure.
- Q Where was your brother living at the time of his death?
- A In Saline District.
- Q Had he always lived in the Cherokee Nation? A Yes sir.
- Q Was never a resident of the Creek Nation? A No sir.
- Q Have you resided continuously in the Cherokee Nation ever since your removal from Alabama? A Yes sir, I have lived in the hollow of these hills ever since I established a home for myself and you are the first Creek speaking stranger that has visited me on my ~~pr~~ own premises. If I had met you out in the woods I would have spoken- spoken Cherokee to you and you would not have known that I was a Creek Indian.
- Q Are you enrolled as a citizen of the Cherokee Nation?
- A If I am I do not know it. I have not been ~~new~~ curious enough to inquire into that -matter.
- Q Then you do not know whether an allotment of land has been set aside to you as a Cherokee or not? A No sir, I have never filed upon any land. I am opposed to the allotment of land among the Indians. If my name appears upon either the Creek or Cherokee roll, and for that reason I am ⁷⁶⁶hedged about with corner stones, I want it stricken from the roll.
- Q On the 1895 Tribal roll of the Creek Nation, Weogufke town, are found the following names: Polly, Mary, Tissie, Warsarsie, Hoekapo, Sallie and Lydia. Do you ~~Y Y~~ know any such persons?
- A Yes sir. Polly was a Creek woman who died about 25 years ago. Mary was a daughter of Polly, she died about 20 years ago; Tissie is a son of Hully and Polly who died many years ago, his parents were both Creeks. Tissie is living and is known both as Ohissie and John Simmons. Warsarsie is a first cousin of Tissie, he is living and is also known as Charles Rogers. Hoekapo is a brother of Tissie, he is also living and is sometimes known as George Simmons. Sallie is a sister of Tissie and Hoekapo. She is living and is now the wife of my grandson, ~~Chas~~ Beaver.
- Blam*

- Lydia was a sister of Sallie, she died in 1903.
- Q Do you know if any of these people were enrolled as Cherokee Nation? A I have heard that they were enrolled as Cherokees but I do not know it to be true of my own knowledge.
- Q Do you know Alexander whose name appears upon the Creek Tribal roll as a member of Okfuske Deepfork town? A Yes sir. He is now dead. He was known as Alex Sunday here and had been been given land as a Cherokee when he died.
- Q When did he die? A January 11, 1903, and is buried in a graveyard near here.
- Q Who were his parents? A Weckus Harjo of Okfuske Deepfork was his father and Liza Harjo of Tokposka town was his mother.

J. B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes he recorded the testimony in the foregoing proceedings, and that the above is a true and correct transcript of his stenographic notes thereof.

J. B. Myers

Subscribed and sworn to before me,
this 17, -1907- day of January, 1907.

Wm. C. Myers
Notary Public.

JEM

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
OKEMAH, I. T., JANUARY 16, 1907.

In the matter of the application for the enrollment of
John Archie, et al, as citizens by blood of the Creek Nation.

SARWIKI ARCHIE, being first duly sworn by and examined
through Alex Posey, a Notary Public and official interpreter,
testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A I am known both as Sarwike Archie and Thomas Tiger. I was enrolled as Sarwike Archie when I drew my head rights when the last Creek payment was made. At that time I was living in the Cherokee Nation with my step-father, John Archie, and am known there as Sarwike Archie. Since my removal to the Creek Nation I have changed my name to Thomas Tiger. The reason I changed my name to Thomas Tiger ^{is} because I have a number of relatives that go by the name of Tiger.
- Q How old are you? A I presume I am about 25 years old.
- Q What is your postoffice address? A Okemah.
- Q To what Creek town do you belong? A I belong to Okfuske Deepfork town but I am enrolled as a member of Ketchopataky town.
- Q Who were your parents? A My father was Heneka Chupko and my mother Seneche.
- Q Were you ever enrolled as a citizen of the Cherokee Nation?
- A No sir.
- Q How long ^{did} you live in the Cherokee Nation?
- A I was taken there when I was a child and ~~remained~~ remained there until I was a young man.
- Q When did you return to the Creek Nation? A I returned to the Creek Nation about five years ago.
- Q Have you lived continuously in the Creek Nation since that time?
- A Yes sir, I have married and built me a home in the Creek Nation. I am living about two miles southwest of Okemah.
- Q To whom are you married? A Seksey Harjo of Fishpond town.
- Q You have returned to the Creek Nation in good faith, have you, and established a permanent residence? A Yes sir. I appeared before the Commission quite a while ago and made application for enrollment but up to this time I have not been ~~advised~~ advised as to what disposition was made of my application.
- Q Under what name did you make application for enrollment when you appeared before the Commissioner at Muskogee?
- A Sarwike Archie.
- Q Under what name do you wish to be finally enrolled?
- A Thomas Tiger.
- Q Were you ever enrolled as a member of Arbeka Deepfork town under the name of Thomas Tiger? A No sir, I was never enrolled under that name in any Creek town.

- Q Have you any children by your present wife? A No sir.
Q What kind of home have you built? A The home that I own
consists of one log house and one framed house located on the
allotment of my wife.
Q How long have you been living there? A Nearly two years.

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J. B. Myers, being first duly sworn, states, that as
stenographer to the Commissioner to the Five Civilized Tribes, he
recorded the testimony in the foregoing proceedings and that the
above is a true and correct transcript of his stenographic notes
thereof.

J. B. Myers

Subscribed and sworn to before me,
this 17th day of January, 1907.

Wm. P. Jones
Notary Public.

JBM

Q Is Charley Coachman living? A Yes, sir He lives out West
 Q He dont live with you any more? A No, sir
 Q Have you a son named Dick Archie? A Yes, sir
 Q Is Dick living? A Yes, sir
 Q Have you a step daughter named Nellie Archie? I have none
 by the name of Nellie but here is Wahli
 Q Is she your daughter or your step daughter? A Step daughter
 Q What is the name of her father? A Charley Coachman is her father
 Q What is the name of her mother? A Eyani
 Q Was Eyani ever called Senechee? A No, sir
 Q Do you know Senechee? A Senechee is Semeoka's mother, she is
 the same as Cinda
 Q Was Semeoka ever called Nellie? A No, sir
 Q Are you the father of Semeoka? A Yes, sir
 Q How old is Semeoka? A 20
 Q And you dont know any one called Nellie? A No, sir, Nellie
 is possibly the sister of Cinda Collins or Arch.
 Q Did Cinda Collins ever have a sister named Nellie? A Yes, sir
 Q Is Nellie living? A Dead
 Q Did she live in your family at one time. A Yes, sir
 Q How long has she been dead? A Must be twenty years
 Q How old was she when she died? A About 23
 Q Did you draw any money for Nellie at the 1895 payment? A No, sir
 Q Had you a member of your family named Sarwike? A He was the
 brother of Polly
 Q What was the name of Sarwike's father? Henneha
 Q Was he some times called Henneha Chutko? A Yes, sir
 Q Was his mothers name Senechee? A Cinda was his mother
 Q Do you know Jack Rabbit? A Yes, sir
 Q What relation is he to you? A He was my younger brother
 Q What was the name of his father? A He was known by the name of
 Sleeping Rabbit.
 Q Was Sallie his mother? A Yes, sir
 Q Is Jack Rabbit living? A No, sir
 Q How long has he been dead? A He died last spring. He lived up
 near Talequah
 Q Had he ever been enrolled or allotted land? A No, sir
 Q Do you know Sissie Rabbit? A Yes, sir
 Q She was the sister of Jack Rabbit? A Yes, sir
 Q How old is she? A About twentyfive
 Q Is she living? A Yes, sir
 Q Where does she live? A With me
 Q Are all these people about whom I have been questioning you
 full blood Creeks? A They are half Cherokee, they all drew money
 in the payments over in the Cherokee Nation.

1895 pay roll of the Creek Nation, Ketchapataka town,
 examined and in one family appear the following names:
 John Archie
 Lewis Archie
 Katie Archie
 Fiksie Archie
 Hokte Archie
 Charley Archie
 John Archie Jr
 Nellie Archie
 Sarwike Archie
 Jack Rabbit
 Sissie Rabbit

DEPARTMENT OF THE INTERIOR,
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Arch, Dick Arch, Hokte Arch, Sarwike Arch, Charley Coachman, Jack Rabbit, deceased, and Sissie Rabbit as citizens by blood of the Creek Nation.

D E C I S I O N.

It appears from the record herein that sometime prior to May 25, 1901, the following names, towit: John Archie (Arch), Dick Archie (Arch), Hokte Archie (Arch), Sarwike Archie (Arch), Charley Coachman, Jack Rabbit, Sissie Rabbit, Katie Archie (Arch), Lewis Archie (Arch), Lizzie Archie (Arch), and Nellie Archie (Arch) were listed on Creek field card No. 3185, in order to protect any rights of citizenship they may have had, said listing having the force and effect of applications for their enrollment as citizens by blood of the Creek Nation.

The applications for enrollment of the four persons last named, towit: Katie Arch, Lewis Arch, Lizzie Arch and Nellie Arch, by reason of the different status of their cases of citizenship from those of the other applicants, will be considered in a separate decision.

That in reference to the said applications under consideration the testimony of Thlepullie was taken by the Commission to the Five Civilized Tribes at Oktaha, Indian Territory, June 17, 1904; that of Sampson at Oktaha, Indian Territory, on June 18, 1904; that of Sarwike Arch and Charley Simmer (Coachman) at Okmulgee, Indian Territory, on October 26, 1904; that of John Arch at Braggs, Indian Territory, on April 25, 1905, at Muskogee, Indian Territory, on October 11, 1905 and January 16, 1906, at Braggs, Indian Territory, on January 7, 1907; and again that of Sarwike Arch at Okemah, Indian Territory, on January 16, 1907.

It appears from the evidence herein and the records of this office that the said John Arch (John Archie) was born about the year 1853, was living April 1, 1899, is a full blood Creek Indian listed on Creek field card No. 3185, and appearing on the authenticated Creek Roll of 1890 as Johnnochee, and on the 1895 authenticated Roll as John Archie; that he removed to the Cherokee Nation in 1865 or 1866 and has since made same his residence, only returning to the Creek Nation for the collection of the money payments due himself and family as Creek citizens.

That Dick Arch (Dick Archie) (John Dick) was born about the year 1884, was living April 1, 1899, and is the son of the said John Arch and Susie Arch, deceased. Further, that he is a full blood Creek Indian, listed on Creek field card No. 3185, and appearing on the authenticated Creek Roll of 1890 as Dickey, and on the 1895 authenticated Roll as Dick Archie, and who has, since his birth, been a resident of the Cherokee Nation.

That Charley Coachman is enrolled as Charley Simmer opposite Creek Indian roll No. 9170, approved by the Secretary of the Interior November 14, 1902.

That Hokte Arch (Semenoye) (Hokse) was born about the year 1881, was living April 1, 1899, and is the daughter of the said John Arch and Seneche (Cinda Collins), deceased. Further, that she is a full blood Creek Indian, listed on Creek field card No. 3185, and appearing on the authenticated Creek roll of 1895 as Hotke Archie, and who has, since her birth, been a resident of the Cherokee Nation at the home of her father.

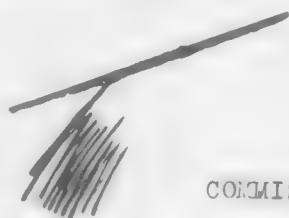
That Sarwike Arch (Thomas Tiger) was born about the year 1882, was living April 1, 1899, and is the son of Henecha Chupco, deceased, and Seneche (Cinda Collins), deceased, who afterwards, as aforesaid, became the wife of the said John Arch. He is a full blood Creek Indian, listed on Creek field card No. 3185, and appearing on the authenticated Creek roll of 1895 as Sarwike Archie, and who removed from the Cherokee to the Creek Nation in 1898 or 1899, where he has since remained a bona fide resident.

That Jack Rabbit was born about the year 1881, died in March 1905, and was the son of Sleeping Rabbit, deceased, and Sallie Rabbit, deceased. Further, he was a full blood Creek Indian, listed on creek field card No. 3185, and appearing on the authenticated Creek roll of 1895 as Jack Rabbit, and who, for many years last past and up to the time of his death, had been a resident of the Cherokee Nation with his uncle, the said John Arch.

That Sissie Rabbit was born about the year 1884, was living April 1, 1899, is a sister of Jack Rabbit, her parents being the said Sleeping Rabbit, deceased, and Sallie Rabbit, deceased. Further, that she is a full blood Creek Indian, listed on Creek field card No. 3185, and appearing on the authenticated Creek roll of 1895 as Sissie Rabbit, and who has been living for many years last past in the Cherokee Nation.

It further appears from the records of this office, that no application has been made for the enrollment as citizens of the Cherokee Nation, for any or all of the six persons above named.

It is, therefore, ordered and adjudged that Sarwike Arch is entitled to enrollment as a citizen by blood of the Creek Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861) and in the light of the decisions in the cases of Ezekiel C. McLaughlin (I.T.D. 7538-1902) and Mary J. Williston (I.T.D. 7539-1902) that the said John Arch, Dick Arch, Hokte Arch, Jack Rabbit and Sissie Rabbit are entitled to enrollment as citizens by blood of the Creek Nation, under the provisions of law above cited and their applications for enrollment as such are accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 27 1907

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Katie Arch, deceased, Lewis Arch, deceased, Lizzie Arch, deceased, and Nellie Arch, deceased, as citizens by blood of the Creek Nation.

DECISION.

It appears from the record herein that sometime prior to May 25, 1901, the following names, to wit: Katie Archie (Arch), Lewis Archie (Arch), Lizzie Archie (Arch), Nellie Archie (Arch), John Archie (Arch), Sarwike Archie (Arch), Hekte Archie (Arch), Dick Archie (Arch), Charley Coachman, Jack Rabbit and Sissie Rabbit were listed on Creek field card No. 3185, in order to protect any rights of citizenship they may have had, said listing having the force and effect of applications for their enrollment as citizens by blood of the Creek Nation.

The applications for enrollment of the seven persons last named, to wit: John Arch, Sarwike Arch, Dick Arch, Hekte Arch, Charley Coachman, Jack Rabbit and Sissie Rabbit, by reason of the different status of their cases of citizenship from those of the remaining applicants will be considered in a separate decision.

In reference to the said applications under consideration, the testimony of Thlepullie was taken by the Commission to the Five Civilized Tribes at Oktaha, Indian Territory, on June 17, 1904; that of Sampson at Oktaha, Indian Territory, on June 18, 1904; that of Sarwike Arch and Charley Simmer (Coachman), at Okmulgee, Indian Territory, on October 26, 1904; that of John Arch at Braggs, Indian Territory, on April 23, 1905, at Muskogee, Indian Territory, on October 11, 1905, and January 16, 1906, at Braggs, Indian Territory, on January 7, 1907; and again that of Sarwike Arch at Okemah, Indian Territory, on January 16, 1907.

The evidence in the cases at bar is decidedly unsatisfactory, especially as to the times of the deaths of the several applicants, notwithstanding the fact that the Commissioner has followed to the end, every channel of information possible. However, by a fair preponderance of the same and from the records of this office it appears that the said Katie Arch (Archie) (a sister of the aforesaid John Arch) was born about the year 1855 and died in the year 1896; that she was a full blood Creek Indian, listed on Creek field card No. 3185, and appearing on the authenticated Creek Roll of 1895 as Katie Archie. Further, that at the time of her death she was a resident of the Cherokee Nation.

That Lewis Arch (Archie) was born about the year 1882 and died in the year 1897 or 1898, was the son of John Arch and Susie Arch, deceased; that he was a full blood Creek Indian, listed on Creek field card No. 3185, and appearing on the authenticated Creek Roll of 1890 as Lewis and on the authenticated Roll of 1896 as Lewis

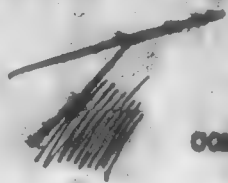
Archie. Further, that during his entire life he was a resident of the Cherokee Nation.

That Lissie Arch (Archie) was born about the year 1880 died in the year 1897 or 1898, and was the daughter of John Arch and Seneca (Cinda Collins), deceased; that she was a full blood Creek Indian, listed on Creek field card No. 3188, and appearing on the authenticated Creek roll of 1890 as Lissie and on the authenticated roll of 1898 as Lissie Archie. Further, that during her entire life she was a resident of the Cherokee Nation.

That Nellie Arch (Archie) was born about the year 1880, died in the year 1896, and was a daughter of John Arch and Susie Arch, deceased; that she was a full blood Creek Indian, listed on Creek field card No. 3188, and appearing on the authenticated Creek roll of 1898 as Nellie Archie. Further that during her entire life she was a resident of the Cherokee Nation.

It further appears from the records of this office, that no application has been made for the enrollment as citizens of the Cherokee Nation, for any or all of the four persons above named.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Katie Arch, Lewis Arch, Lissie Arch and Nellie Arch as citizens by blood of the Creek Nation and the applications for their enrollment as such are accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory.

FEB 2 1907

1/2 cup and 2 cups
sugar
died before Luma 2 years

Katie Arch. (Born 1858, Died 1922)
(Cousin 1 On Creek Camp 3185 On 1895 Creek Roll)
(Sister of John Arch.)

Out

32251
Sally Arch. (Born 1871)
(On 1895 Roll as Qualifying 64)
Died on Creek 2/9/99
Polly (Born 1892)
(On 1895 Roll # 65)
Died on Creek 9/99
Sallie (Born 1895)
(On 1896 Roll # 66)
Died on Creek 9/99
Sam (Born 1897)

John Arch. & John Archie (Born 1853)
(Cousin 1 On Creek Camp 3185 On 1890 & 1895 Creek Roll)
(Has lived on Cherokee Nation since 1865)
(Wrote for himself and family to be enrolled on Cherokee & On Cherokee Roll)

John Archie
John Archie

Eyehone Arch. (Born 1853)
(Half Cherokee & Creek On 1896 Cherokee Roll as Hyamwah)
(Never resided on Creek Nation)
(Has four children enrolled as Cherokees)
(Wrote for enrollment on Cherokee Camp 3185)
(On final Cherokee Roll # 32644)

Charles Bolen
(Cherokee Roll 1880 & 1882, Page 508 & 236)
Nova Bolen
(Cousin 1 On Creek Camp 3185 On 1895 Cherokee Roll)

Jack Rabbit (Born 1881, Died 4/10)
(Cousin 1 On 1895 Creek Roll)
(On Creek Camp 3185)
(Sister of John Arch.)
(Died on Creek Roll)
Sisai Rabbit (Born 1884)
(Cousin 1 On 1895 Creek Roll)
(On Creek Camp 3185)
(Sister of John Arch.)
(Died on Creek Roll)

Sleeping Rabbit (Dead)
Sallie Rabbit (Dead)

Jack & Miss Arch. (Born 1884)
(Cousin 1 On 1890 & 1895 Creek Roll)
(Cousin 1 On 1895 Creek Roll)
(Sister of John Arch.)
(Died on Creek Roll)
Lissa (Born 1882, Died 1885 or 96)
(Cousin 1 On 1895 Creek Roll)
(Cousin 1 On 1895 Creek Roll)
(Sister of John Arch.)
(Died on Creek Roll)

John Arch.
Sisai Arch. (First info J.A.)

Sucky
Ketcha pataka
Tom

Loyce (Born 1888, Died 1922 or 23)
(Cousin 1 On 1895 Creek Roll)
(On Creek Camp 3185)
(Sister of John Arch.)
Hattie (Simmons) (Hobbs)
(Born 1881, Died 1895 or 96)
(Cousin 1 On 1895 Creek Roll)
(Sister of John Arch.)
(Died on Creek Roll)

John Arch.

Luma Out
Luma Out

Willie (Naley) (Born 1880, Died 1895 or 96)
(Cousin 1 On 1895 Creek Roll)
(On Creek Camp 3185)
(Sister of John Arch.)

Sarah (Linda Collins)
Sister of Luma

Out.

3185
Hattie (Simmons) (Hobbs)
(Born 1881, Died 1895 or 96)
(Cousin 1 On 1895 Creek Roll)
(Sister of John Arch.)
Savannah (Thompson) (Tiger)
(Born 1882, Died 1895 or 96)
(Cousin 1 On 1895 Creek Roll)
(Sister of John Arch.)
(Died on Creek Roll)

Coachman (Dead)
Savannah (Linda Collins)
Hattie (Simmons) (Hobbs)
Savannah (Linda Collins)

Luma

Lewis Arch

Sampson, June, 18.04

Died about same time as Legze before breaking
out of small fox in the Creek Nation and before allotment

Sawyer Arch Oct. 26.04

Died once his return to Creek Nation in 1901

Charley Summer Oct 26.04

Says Sawyer returned to Creek Nation fully
5 years ago

John Arch Apr. 25.05 Died 10 or 11 years ago

Oct. 11.05 " 9 " "
Jan. 16.06 " 4 " 1895 " "

Dick Arch Oct. 11.05 Died 8 years ago.

[Died about 97] 97 or 98

Sampson, June, 18.04,

Died before allotment began

Sawyer Arch Oct. 26.04

Died once his return to Creek
Nation in 1901

Legze Arch

John Arch Apr. 25.05 Died 11 years ago

Oct. 11.05 " 6 " "
Jan. 16.06 " 3 " 1898 " "

Died about 97 or 98

Sampson June 18.04

Died "good while". Hfr Lewis

Katie Arch

John Arch April 25.05

Died 8 years

John Arch Oct. 11.05

Died 2 years ago Lewis
died first

Jan 16.06 died before Lewis two years

" 7.07 " in 1892

Died about 95

Sister of Lewis

Thelma's name living June 17.04

Mellie Arch

John Arch Oct. 11.05

Died shortly after 95

Payment Jan. 16.06 After Katie

~~Jan. 16.06~~ died 20 years ago

Died about 1896

Mr. Peeson.

Therese renders a statement as to
Arch. (Archae), Dick Arch (Archae), ^{John Dick (Ducky)} Hoke

Arch (Arche) (Hokse) (Sarnoke), Sarnoke Arch (Arche)
(Thomas Tiger), Jack Rabbit or Sussu Rabbit
have made applications for enrollment in the
Cherokee Nation.

ТЗгм

175

C o n y

Creek I. 3185.

Muskogee, Indian Territory, February 9, 1903.

P. G. Reuter,

Clerk in charge Cherokee Land Office,
Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of January 30, 1903, asking to be informed whether application has been made for the enrollment of John Arch and his four minor children, Sakhoya, Polly, Sallie and Sam Arch, as citizens of the Creek Nation, and if so, what disposition has been made of the application.

Replying thereto, you are advised that John, aged 50, Lewis, aged 18, Katie, aged 48, Lizzie, aged 15, Hokte, aged 12, Charley, aged 20, Dick, aged 19, Nellie, aged 22, and Sarwikee Archie, aged 21; and Jack Rabbit, aged 20, and Sissie Jack Rabbit, aged 17, whose post office addresses are given as Braggs, Indian Territory, are enrolled on Creek Indian Card Field No. 3185; but that their names were not included in the partial rolls of Creek citizens submitted to the Secretary of the Interior for the reason that Lewis, Katie, Lizzie, Dick and Nellie Archie are reported to be dead, and that the names of John, Hokte, Charley, and Sarwikee Archie, and Jack and Sissie Rabbit, are on the Cherokee rolls, and are now, and have been, residents of the Cherokee Nation for many

2 P.O.Reuter.

years. Lewis Archie is a son of John Archie, by Susie, deceased; Lizzie, Hokte, and Nellie Archie, are children of John Archie, and Seneche, deceased; Katie Archie is a sister of John Archie; Charley Archie is a stepson of John Archie, and the names of his father and mother are Simmuntulla and Ellen, both deceased; Nellie and Sarwikie Archie are stepchildren of John Archie, and Seneche, deceased; Hencha Chupco, deceased, is the father of Sarwikie, and Nellie's father is unknown. Jack and Sissie Rabbit are children of Sleeping Rabbit and Sallie, both deceased.

You are further advised that all of the aforesaid mentioned persons are full-blood Creek Indians, and that their names appear on the 1895 Pay Roll of the Creek Nation, Ketchapataka Town; and that the names of John, Lewis, Lizzie, Charley, and Dick Archie, are identified upon the 1890 authenticated roll of the Creek Nation, Ketchapataka Town, as "Johnochee", "Louis", "Lizzie", "Charley", and "Dickey". There also appears on said 1890 Creek roll, with Johnochee's family, the name of "Chun na hoyee," who may be the same person as Sahhoya Arch, you refer to in your letter. John Archie is also known as Chief John, and is probably the same person you refer to in your letter as John Arch.

If John Arch (or Archie) elects to have himself and the members of his family enrolled as citizens of the Cherokee Nation, you are requested to notify the Commission.

Respectfully,

Acting Chairman.

(COPY)

Creek En. 3185.

Muskogee, Indian Territory, March 4, 1903.

P. G. Reuter,

Clerk in Charge Cherokee Land Office,
Vinita, Indian Territory.

Dear Sir:

You are requested to advise the Commission whether the name of Sarwike appears on any of the tribal rolls of the Cherokee Nation, and whether any application has been made for his enrollment as a citizen of said Nation, and, if so, what disposition has been made of said application.

The name of Sarwike is found and identified on the 1895 tribal roll of the Creek Nation, Ketchapataka town, at No. 264. He claims to be a step-son of John Arch or Archie, who resides near Braggs, Indian Territory, and with whom he has resided for several years; that his father and mother, Henneha Chupco and Seneche, are both deceased, and were full blood Creek Indians. He also claims to be a one-half brother of Sahhoya Arch, who was enrolled on Cherokee Indian card No. 9199.

Respectfully,

Chairman.

(COPY)

J.J.B.

1. 3185.

Muskogee, Indian Territory, November 12, 1904.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

June 30, 1903, you requested to be informed whether application had been made for the enrollment of John Arch and certain members of his family as citizens of the Creek Nation. February 9, 1903, the Commission replied to your communication and advised you relative to the matter. A copy of the letter of February 9th is inclosed herewith. June 17, June 18 and October 26, 1904, testimony was taken in the Creek case, copies of which are herewith inclosed.

You are requested to advise the Creek Enrollment Division whether application has been made for the enrollment of any or all of these persons as citizens of the Cherokee Nation, and if so, the present status of the case. You are further requested, in the event that no such application has been made, to advise whether or not the names of any or all of these persons appear upon the Cherokee tribal rolls.

Respectfully,

Chairman.

HGH-4-11-11

COMMISSIONERS:
TAMM BERRY,
THOMAS E. WHEELER,
C. B. BRACKENRIDGE,
Wm. C. NEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 1, 1904.

Commission to the Five Civilized Tribes,
Creek Enrollment Division.

Gentlemen:

Referring to I. 3185 and your letter of November 12, you are hereby advised that Kyahni Arch, wife of John Arch, and their minor children, Sahhoya, Polly, Sallie and Sam Arch, have been listed for enrollment on Cherokee card number 9199. You are further advised that the Commission has not yet rendered a decision in this case.

There is herewith inclosed a copy of the testimony in the matter of said application, taken at Garfield, Indian Territory, on June 19, 1902.

Respectfully,

Incl. 8-93.


Commissioner in Charge.

COMMISSIONER:
TAMM HENRY,
THOMAS S. HENKLE,
C. S. BRACKENRIDGE

WM. O. HALL

CHMCK
Cherokee-9199.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 8, 1904.

Commission to the Five Civilized Tribes,
Creek Enrollment Division.

Gentlemen:

Referring to I. 3185 and your letter of November 12, you are advised that none of the persons mentioned in your letter of February 9, 1903, other than Sahhoya, Polly, Sallie and Sam Arch, can be identified as having made application for enrollment as citizens of the Cherokee Nation.

Respectfully,


Chairman.

(COPY)

986

Cr. 3185

Muskogee, Indian Territory, October 26, 1905.

Chief Clerk,

Cherokee Enrollment Division.

Dear Sir:

There is herewith enclosed copy of testimony of April 25, 1905, in the matter of the application for the enrollment of John Archie et al. as citizens of the Creek Nation, in which said John Archie elects, for himself and his entire family, to be enrolled as citizens of the Cherokee Nation.

You are requested to take such action as may be necessary and proper in the matter of said election and when said matter is finally determined, to advise the Creek Enrollment Division accordingly.

Respectfully,

Commissioner.

G-26.

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 20, 1905.

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

Replying to your letter of October 26, 1905 (Cr. 3264), transmitting a copy of testimony taken April 25, 1905, in the matter of the application of John Archie for enrollment as a citizen of the Creek Nation in which the said John Archie claims to be enrolled as a citizen of the Cherokee Nation, and in which letter you request the Cherokee Enrollment Division to take such action as may be necessary and proper in the matter of such election and advise the Creek Enrollment Division, you are advised that John Archie and family can not be considered as applicants for enrollment as citizens of the Cherokee Nation, nor do their names appear on any of the Cherokee Tribal Rolls. It would be incorrect that the said John Archie was not entitled to take an election.

The copy of the testimony enclosed with your letter of October 26 is returned herewith.

Respectfully,

Appl. 42-05.

Respectfully,

REFER IN REPLY TO THE FOLLOWING:

No. 986.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Stilwell, Indian Territory, January 9, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In the matter of the application for the enrollment of John Archie, et al, as citizens by blood of the Creek Nation, there is herewith inclosed the testimony of said John Archie taken by the Creek Field Party at Braggs, Indian Territory, January 7, 1907, together with copies of the testimony heretofore taken in said cause.

Respectfully,

Alb. Tracy
In Charge,
Creek Field Party.

JBM

INDEX

COMMISSIONER TO FIVE TRIBES.		
No.	Received	ASSENTED
1908	JAN 10 1907	2nd 2nd

Posey, Alex
Stilwell, I.T.
Jan. 9, 1907.

Transmits testimony in re
enrollment of John Apple et al.

Cr. No. 986

Muskogee, Indian Territory, February 27, 1907.

M. L. Matt,

Attorney for Creek Nation.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Katie Arch, et al, all deceased, as citizens by blood of the Creek Nation, denying said application.

The decision with a copy of the proceedings had in the case is herewith transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM 231.

Cr. No. 986.

Muskogee, Indian Territory, February 27, 1907.

John Arch,

Braggs, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Katie, Lewis, Linnie and Nellie Arch, all deceased, as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
LM-230.

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted record of the proceedings had in the matter of the application for the enrollment of Katie Arch, et al, all deceased, as citizens by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM 232
Through the Commissioner
of Indian Affairs.

Refer in reply to the following:
Land References in body of letter.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

COPY.

WASHINGTON, March 2, 1907.

The Honorable,
The Secretary of the Interior.

Sir:

There are enclosed herewith the records of proceedings in the matter of the applications for the enrollment of the following persons:

21250-1907: Horatio John Rose, as a citizen by intermarriage of the Cherokee Nation.

21244-1907: John F. Devaughn,

21232-1907: Ada B. White, as a citizen by blood of the Cherokee Nation.

21259-1907: Marvin T. Brake, as a citizen by blood of the Choctaw Nation.

21260-1907: Bessie Springer,
Lillie Livingston,
Jessie Springer, and
Richard Springer,

21261-1907: Addie Goldsmith,
Christie Goldsmith,
Carrie Goldsmith,
Stanley Goldsmith,
Otis Goldsmith,
Ross Goldsmith,
Henry Goldsmith,
Mabel Goldsmith,
Lincoln Jefferson Goldsmith,
Guy Goldsmith,
Solomon Goldsmith,
Lloyd Goldsmith,
Tecumseh Goldsmith,
Orange Goldsmith, as citizens by blood of the Choctaw or Chickasaw Nations.

Ethel Goldsmith,
Ola Goldsmith, and
Rosie Goldsmith, as citizens by blood of the Choctaw Nation.

21262-1907: Mary Byington, as a citizen by blood of the Choctaw Nation.

21276-1907: Katie Arch, et al., all deceased, as citizens by blood of the Creek Nation. (Katie Arch, Lewis Arch, Lizzie Archand Nellie Arch).

21264-1907: Roy Thompson, deceased, as a citizen by blood of the Creek Nation.

21274-1907: Annie Johnson, as a citizen by blood of the Creek Nation

21238-1907: Clyde Wilton Hardrick, as a Cherokee freedman.

21241-1907: Maude Ella Jones, as a Cherokee freedman.

21240-1907: Stephen Gunter, as a Cherokee freedman.

- 21243-1907: Henry Bly,
Joanna Bly,
Henry Bly, Jr.,
Jesse Bly,
Lucinda Bly,
Charles Bly,
Laurenzie Bly, and
Morgan Bly, as Cherokee freedmen.
- 21239-1907: Sarah Ann Dawson, and
Lillian Beatty, as Cherokee freedmen.
- 21242-1907: Catherine Brewer,
Henry Brewer,
Margaret Brewer,
Willey Brewer, as Cherokee freedmen.
- 21263-1907: Jennie Roberson,
Ether Roberson, and
Fany Roberson, as Creek freedmen. (All deceased).
- 21258-1907: Frances Marshall, as a Choctaw freedman, or as a
citizen of the Choctaw Nation.

The decisions of the Commissioner to the Five Civilized Tribes, relative to the enrollment of the above named applicants, were adverse in each case.

The decisions of Commissioner Bixby have been examined, they are found to be correct, and the Office recommends that they be approved.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

KBM-LC.

L.T.D. 7022-1907.

WILLIAM.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following citizenship cases, adverse to the applicants, are hereby affirmed. Copy of Indian Office letter of March 2, 1907, submitting your reports and recommending that the decisions be affirmed, is herewith enclosed.

Title of Case.

Date of your letter
of transmittal.

Stephen Gunter, Cherokee freedman	February 26, 1907.
Harvin F. Drake, Choctaw by blood,	February 27, 1907.
Addie Goldsmith, et al., Choctaw by blood,	February 28, 1907.
Catherine Brewer, et al., Cherokee freedmen,	February 27, 1907.
Henry Ely, et al., Cherokee freedmen,	February 27, 1907.
Frances Marshall, Choctaw by blood,	February 27, 1907.
Jennie Roberson, et al., deceased, Creek freedmen,	February 26, 1907.
Glyde Wilton Hardrick, Cherokee freedman,	February 25, 1907.
Annie Johnson, Creek by blood,	February 25, 1907.
Annie Johnson, Creek by blood,	February 27, 1907.
Mary Byington, Choctaw by blood,	February 27, 1907.
Roy Thompson, deceased, Creek by blood,	February 26, 1907.
Sarah Ann Dawson, et al., Cherokee freedman,	February 26, 1907.
Katie Arch, et al., deceased, Creeks by blood,	February 27, 1907.
Bessie Springer, et al., Choctaw by blood,	February 26, 1907.
Ada E. White, Cherokee by blood,	February 26, 1907.
Heratie John Ross, Cherokee by intermarriage	February 27, 1907.
John F. Devaughn, Cherokee by intermarriage,	February 27, 1907.
Maudie Ella Jones, Cherokee freedman,	February 26, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

1 enclosure, and
84 enclosures to Ind. Off. with
copy hereof.
W.C.P.3-4-07.

E.A. Hitchcock,
Secretary.

Creek I. 4024.

Muskogee, Indian Territory, March 19, 1907.

John Arch,

Braggs, Indian Territory.

Dear Sir:

You are hereby advised that your name is contained in a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 4, 1907, and that a selection of land in the Creek Nation can now be made for yourself at the Creek Land Office in Muskogee, Indian Territory.

Respectfully,

Commissioner.

Creek I. 4024.

Muskogee, Indian Territory, March 19, 1907.

Sissie Rabbit,

Briggs, Indian Territory.

Dear Madam:

You are hereby advised that your name is contained in a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 4, 1907, and that a selection of land in the Creek Nation can now be made for yourself at the Creek Land Office in Muskogee, Indian Territory.

Respectfully,

Commissioner.

Creek I. 4024.

Muskogee, Indian Territory, March 19, 1907.

Jack Rabbit,

Braggs, Indian Territory.

Dear Sir:

You are hereby advised that your name is contained in a partial schedule of citizens by blood of the Creek Nation, approved by the Secretary of the Interior March 4, 1907, and that a selection of land in the Creek Nation can now be made for yourself at the Creek Land Office in Muskogee, Indian Territory.

Respectfully,

Commissioner.

Creek I. 4024.

Muskogee, Indian Territory, March 19, 1907.

Hokte Arch,

Braggs, Indian Territory.

Dear Sir,

You are hereby advised that your name is contained in a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 4, 1907, and that a selection of land in the Creek Nation can now be made for yourself at the Creek Land Office in Muskogee, Indian Territory.

Respectfully,

Commissioner.

Creek I. 4024.

Muskogee, Indian Territory, March 19, 1907.

Black Arch,

Bragg, Indian Territory.

Dear Sir:

You are hereby advised that your name is contained in a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 4, 1907, and that a selection of land in the Creek Nation can now be made for yourself at the Creek Land Office in Muskogee, Indian Territory.

Respectfully,

Commissioner.

Gr.No. 986.

Muskogee, Indian Territory, March 30, 1907.

John Arch,

Braggs, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Katie, Lewis, Lizzie and Nellie Arch, all deceased, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

CR EN 987

CR EN 987

Alleged
Appli'n

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 17, 1905.

In the matter of the alleged application for the enrollment of Jim Red, Lewis Red, Jerry Red, Eugene Red and John Red as Creek Freedmen.

APPEARANCE: Carroll S. Bucher (Muskogee, I.T.), Attorney for the Applicants.

Lydia Robbins, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A Lydia Robbins.
Q How old are you? A I couldn't tell you nothing about my age.

Witness appears to be about sixty years old.

Q What is your postoffice address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Have you got your land? A Yes sir.
Q What relations are these applicants to you? A Grandchildren, son's children.
Q Children of your son? A Yes sir.
Q What is the name of your son? A Jacob ~~Went~~ Red.
Q Is he the father of these children? A Yes sir.
Q Is Jacob Red living? A No sir; he is dead.
Q When did Jack die? A I couldn't tell you exactly. He died in Colorado.
Q How many years ago? A I couldn't tell you, Kister.
Q Did he die before you filed? A Yes sir.
Q How many years before that did he die? A I couldn't tell you.
Q He died before the Creek Land Office opened? A Yes sir. Before the Land Office opened.
Q Do you know when the Land Office opened? A Yes, sir I know Whinnell commenced filing.
Q What year? A I couldn't tell you. You needn't ask me nothing about it.
Q How many years ago did the land office open? A I don't know.
Q How many years ago did you file? A I couldn't tell you. I didn't keep any track of that.
Q Who is the mother of these applicants? A Anna.
Q Where did Jack Red live with his family? A In Colorado.
Q The children were all born in Colorado? A Yes sir.
Q Ever been in the Creek Nation? A Yes, he went from here to Colorado.
Q Did he ever draw any money from the Creek Nation? A Yes, the children drew too.
Q Do you remember--are you positive of that, that Jack Red was dead at the time that you filed? A Yes, he was dead.
Q How many years had he been dead, do you think? A About 20 years, I reckon, it might be, I couldn't tell you. I never kept

a record of nothing.

- Q Are these children living? A Yes sir.
 Q Lewis and Jim and the others living? A Yes sir.
 Q They are living now? A Yes sir. They were down here two weeks ago.
 Q Isn't John dead? A Yes sir.
 Q How long has he been dead? A I couldn't tell you.
 Q Die here or in Colorado? A In Colorado.
 Q Have these children been in the Creek Nation? A No sir.
 Q They have always lived in Colorado? A Yes sir.
 Q They have not been to see you since you were enrolled?
 A No sir.
 Q And you say that money was drawn for them? A Yes sir.
 Q Did they draw money for you? A I did. That is the money I sent to ship the father here.
 Q How much money did you draw? A Well, I couldn't tell. Drew \$24, I believe at that time a head.

Witness is identified on Creek Freedman card, field 10, 1012, opposite Roll No. 3820, and her name is contained in partial list of Creek Freedmen approved by the Department March 28, 1902. It also appears that a citizenship certificate was issued for Lydia Robbins March 31, 1899.

- Q How old are these children now? A I couldn't tell you.
 Q When was Lewis Red born? A I don't know sir.
 Q Do you know when any of these children were born? A No sir.
 Q You don't know how old they are now? A No sir.
 Q You say Jack's Red's wife was a non-citizen, a State woman?
 A Yes, sir, a State woman.
 Q Is she living now? A Yes sir.
 Q She has charge of the children? A Yes sir.

BY THE ATTORNEY:

- Q Where is Jim Red living now? A Living at Colorado.
 Q How? A Living with me, staying with me since he come down.
 Q When did you first know about these children being born? How long ago did you hear about it? A When the father was living. He sent a group of the children, picture of them.
 Q You got that picture? A Yes sir.
 Q Is the picture at your home now, in Muskogee? A No sir.
 Q Where is the picture? A I gave a man to enlarge it and never gave back.
 Q Do you know whether there is another picture like it? A Yes, He's got one like it.

BY THE COMMISSIONER:

- Q You say these children are living with you now? A One of them, I told you. They were up in Colorado; this one is living, the other two in Colorado.
 Q Which one is living here? A Jim.
 Q How old is Jim? A I don't know, sir.
 Q Have you any idea how old he is? A No sir, he must be 21, may be.
 Q Jim's brothers are out in Colorado? A Yes sir.

BY THE ATTORNEY:

- Q Isn't it true that they are in Kansas City? A They are traveling around.
 Q Where are they now? A I don't know where he is. I couldn't tell more about it than I can.

8.

Jim Red, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Jim Red.
- Q How old are you? A 22 years old.
- Q Where is your postoffice address? where do you get your mail?
- A I get it here.
- Q Muskogee, I.T.? A Yes sir.
- Q You are one of the applicants in this case, are you? A Yes sir.
- Q Who is your father? A Jack Red.
- Q Is he living now? A No sir.
- Q When did he die? A I don't know the year he died.
- Q How many years ago did he die? A It has been about fifteen years. I was small, I can't tell, I just figure it up myself.
- Q Who are your brothers, the other applicants in this case, Jerry, Lewis and John, are they living? A Why, all living; the oldest is dead.
- Q Who is the oldest? A John.
- Q When did John die? A I don't know what year it was.
- Q How many years ago did he die? A About nine years.
- Q Have your brothers ever been in the Creek Nation? A Until about a week ago--two weeks ago.
- Q They are living here now? A They are not.
- Q Where? A In Kansas City.
- Q Did you ever draw money from the Creek Nation? A No sir.
- Q Did your brother ever draw any money? A No sir.
- Q Did you your father ever draw any money? A I don't know whether he did.
- Q You were never in the Creek Nation up to two weeks ago? A Yes, up to two weeks ago.
- Q Did you ever make application to be enrolled as a citizen of the Creek Nation? A No sir.
- Q Do you know whether your father ever made application?
- A No sir; I don't know.
- Q Do you know whether any application was ever made for you by anyone? A They say that Dickson made out our name on the roll.
- Q Who? A Dickson.
- Q What is his first name? A I don't know the first name.

BY THE ATTORNEY:

- Q When did you first know about your name being up on the roll here? A After I came down, I found out.
- Q How long ago? A It has been two weeks ago.
- Q Who told you that your name was on the roll? A My grandmother.
- Q What is her name? A Lydia Robbins.

BY THE COMMISSIONER:

- Q Do you know Robert Red? A No sir, I don't.
- Q You have no brother by the name Robert? A No sir.
- Q You never heard of Robert, then, did you? A No sir.
- Q Did John have any other name than simply "John"? A That's all.

BY THE ATTORNEY:

- Q Where were you born? A Colorado Springs.

BY THE COMMISSIONER:

- Q Are you living here now? A Yes sir.
- Q Do you expect to reside here permanently? A Yes sir.

Q You have been here now about two weeks? A Yes sir.
Q With whom are you staying? A With my family, Lydia Robbins.

Jackson Davis, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A Jackson Davis.
Q How old are you? A 29 years old.
Q What is your postoffice? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q You have your land, have you? A Yes sir.
Q What relation are you to the applicants in this case? A Cousins, first cousins.
Q First cousins? A Yes sir.
Q Your father's side or mother's side? A Mother's.
Q Your mother, then, is a sister of the father of Lewis Red?
A Yes sir.
Q Do you know the applicants, Lewis Red, Jerry Red and John Red?
A Well, yes, I know them.
Q You have seen them, have you? A Yes, I have seen them.
Q When did you see them? A Called John Red. John is dead.
Q You know the other brothers, do you? A Yes sir.
Q You have seen them? A Yes sir.
Q When did you see them last? A I saw them Sunday two weeks ago.
Q Where? A Here, in Muskogee.
Q You know Jim Red, do you? A Yes sir.
Q He was in here this morning? A Yes sir.
Q Where did you see the other two brothers, Lewis and Jerry?
A Saw them here.
Q Here in Muskogee? A Yes sir.
Q You are willing to swear that you saw Lewis Red and Jerry Red here about two weeks ago? A Well, about two weeks; it was Sunday excursion from Kansas City. I don't know it was two weeks ago.
Q They were on the excursion train from Kansas City? A Yes sir.
Q How old is Lewis? A Lewis is the oldest; is about 24 years, I guess.
Q How old is Jerry, about? A About 19 or 20.
Q Jim is next to the oldest, is he? A Yes sir.
Q Did you ever see them before this time, two weeks ago?
A No sir.
Q You are positive that their father, Jack Red, is an uncle of yours? A Yes sir.
Q When did you see Jack Red last? A I was quite a small boy. I can't say exactly now.
Q Some twenty years ago? A Worse than that, I guess.
Q Where did you see Jack? A When they were staying in Okmulgee; he came up to see my mother.
Q Here in the Creek Nation? A Yes sir.
Q Do you know the mother of those children? A Yes sir.
Q Now do you know that Jim Red and Lewis Red, Jim Red who was here this morning, is the son of Jack Red who died 15 or 20 years ago? A I couldn't say how long, simply took his word for it; that is all I can take for.
Q Do you know whether money was ever drawn for any? A Not positive.
Q You would have remembered that they--that money was drawn for them some time or other? A Yes sir.

BY THE ATTORNEY:

Q Do you know what these brothers came down to Muskogee for two weeks ago? A Yes sir.

Q What did they come for? A To look up their relatives.

Q Were you in Muskogee when Jack Red's body was brought here for burial? A No sir; I was not down at the grave yard when they buried him. I was at school at Tullahassee.

~~xxxxxxxxxxxxxxxxxxxx~~ Q Did you see the body? A Yes sir.

Q You say that the reason you know that this is Jim Red is because you just took his word for it; didn't you ever see a picture of his brothers? didn't that resemble that boy that you met here?

A Yes, I saw the picture.

Q Did you see any resemblance between the picture and this boy when they came to see you? A Yes, there was a little.

Q Have you any of those pictures? A No sir.

Q Do you know where there is one? A Yes, their mother has one.

BY THE COMMISSIONER:

Q How many years ago was it since the picture was taken?

A Shall one?

Q Yes. A I couldn't say exactly; it has been about 12 years ago.

Q Do you mean to say that you saw a resemblance between that picture of twelve years ago and when that boy is a grown man now?

A There is certain resemblance.

BY THE ATTORNEY:

Q Did that picture help you any to identify this man Jim Red?

A Yes, sir--no sir.

BY THE COMMISSIONER:

Q Was Jack Red -- was he ever known by any other name than simply Jack? A Yes, they used to call him Red Kernal. His father's name was Red Kernal. They called him Red Kernal.

Q You say you were at Tullahassee Mission School when they brought Jack Red's body from Colorado. How old were you at the time? How old were you when in school at that time? A I was 11 or 12 years old, I guess. It was in the summer between '90 and '92.

Q You were 19 or 20 when at school at Tullahassee Mission; is that so? don't you remember how old you were when at school?

A No sir.

Q Were you attending school when you were 21 years of age?

A Yes, I guess.

Q How many years did you attend school there? A I attended three years, over there.

Q How old were you the first session over there? A I could not say positive how old I was.

Q About? A I was between 19, I suppose, I don't know exactly.

Q How old are you now? A I will be 29 the 20th day of October.

Q That has been about ten years, is that so? A It has been more than that.

BY THE ATTORNEY:

Q How long ago did Jack Red die? A I can't say.

Q About how long? A It seems like some between '89 and '90.

Q Fifteen years ago? A I don't know exactly how long; I would not be positive.

Q What is your mother's name? A Bessie Davis.

Q Is she a citizen? A Yes sir.

Q Has she got her land? A--
 Q How long ago did she die? A In 1884.
 Q You remember that, don't you? A Yes sir.

BY THE COMMISSIONER

Q Was Jack living at that time? A Yes sir.

BY THE ATTORNEY:

Q Where did she die? A Here at my mother's, at the river.

The records of this Office examined and the name Jack Red is found on the 1890 Authenticated tribal roll of the Creek Nation, page 66, Canadian colored Town.

The records further examined and the names Lewis Red, Jim Red, Jerry Red and Robert Red are found on the 1891 Omitted Roll of the Creek Nation, numbers 534, 535, 536 and 537, respectively, Canadian Colored Town.

The records further examined, and there is no record of any application for any of the above named applicants.

Reference is here made to "A-20" taken at Okmulgee, October 15, 1903, page 4.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commissioner of the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me
 this the 18th day of October,
 1905.

J. Y. Miller
Edw. B. Brier
 Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 31, 1905

In the matter of the alleged application for the enrollment of Jim Red, et al. as Creek Freedmen.

APPEARANCES:

For the Applicants, Carroll S. Bucher;
The office of the Creek attorney was communicated with by 'phone, and this Office was advised that he was absent from town.

Belle Jackson, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Belle Jackson.
Q How old are you? A I am 45.
Q What is your postoffice address? A Hirkwood, Mo.
Q Do you know the applicants, Jim Red, Lewis Red, Jerry Red, Eugene Red and John Red? A Yes sir.
Q You know all these people, do you? A Yes sir.
Q What relation are they to you? A John is my husband; Jack Red is my child and Lewis and James and Jerry were my children.
Q Those three that you name are they yours? A Yes sir.
Q Do you know Eugene? A He is my son.
Q Are all of these children living? A John is dead.
Q Who is the father of this John? A John Red.
Q Is he living? A No sir, he is dead.
Q When did John die? A 1892.
Q You remember the exact date? A On the 17th day of February.
Q And your son, is he living? A He is dead.
Q When did he die? A 1893, the 18th day of November.
Q Do you claim to be a citizen of the Creek Nation? A No sir.
Q You are a State woman, are you? A Yes sir.
Q How old is Jim Red, your son? A Jim Red is 22.
Q How old is Lewis? A 24.
Q And Jerry Red? A 23.
Q These children are all living, are they? A Yes sir.
Q Do you claim that any money was drawn for them in the Creek Nation? A No sir, not as I know of.
Q Do you claim that they are members of any Creek Indian Town? A But Muskogee.
Q You do not claim they are members of any Creek Indian Town that you know of? A No sir, that I know of.
Q Have you ever lived in the Creek Nation? A No sir.
Q Were any of these children born in the Creek Nation? A No sir.
Q Have any of these children ever resided in the Creek Nation? A No sir.
Q You have never claimed the Creek Nation as your home, have you? A No sir.
Q These children have never claimed the Creek Nation as their homes? A No sir.

Q Where were these children born? A Colorado, Colorado Springs.
 Q If any money was ever drawn for any of these children, you would certainly know, wouldn't you? A I don't know; grandma could have drawn, I reckon.
 Q Grandfather? A No, grandmother.
 Q Who is their grandmother? A Lydia Robbins.
 Q Do you know a party by the name of H. O. Red? A No sir.
 Q Do you know if any application has ever been made for the enrollment of any of all of these children up to this time? A I guess grand mother made it, didn't she?
 Q When did she make it? A I don't know.
 Q She never told you that she made application for them, did she?
 A No sir.

BY MR. RUCHER:

Q Did you ever know your husband to be called Jack Red? A Yes sir.
 Q He was called Jack Red and John Red, both? A Yes sir.
 Q Will you--can you give the dates on which your sons, Jim, Lewis and Jerry Red, were born? A I don't think I can.
 Q Have you never drawn any money for any of these boys yourself?
 A No, I never.
 Q Isn't it possible that their grandmother might have drawn money and you might not have known? A Yes sir.
 Q What makes you believe that their grand mother ever made formal application for them? A Well, I heard something.
 Q Who told you? A Jim was telling me.
 Q You know when that application was made? A No sir.
 Q She didn't tell you? A No sir.
 Q Did you ever ask her? A No sir. I never asked her

BY THE COMMISSIONER:

Q You came down here on a visit? A They sent for me and I came down here.
 Q You are not living here permanently? A No sir.
 Q You expect to go back? A Yes sir.
 Q Do you know where your husband was born? A Here I reckon, I don't know.

Jerry Red, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A Jerry Red.
 Q How old are you? A I am 2.
 Q What is your postoffice address? A I had mail addressed to Kirkwood, Mo.
 Q Who is your mother? A Belle Jackson.
 Q Is she a citizen of the Creek Nation? A No sir.
 Q Who is your father? A John Red.
 Q Is he a citizen of the Creek Nation? A Yes sir.
 Q When did your father die? A He died in 1892.
 Q About thirteen years ago? A About thirteen years ago.
 Q Lewis, Jim and Eugene are your brothers? A Yes sir.
 Q Eugene is dead? A He is living.
 Q Do you know Eugene Red? A Yes sir.
 Q Did he ever go by any other name? A He went by the name Jackson.
 Q Eugene Jackson? A Yes sir.
 Q Was he ever known as Lewis Red? A Yes sir.
 Q Lewis and Eugene Red are one and the same person? A Yes sir.

Q John Red is dead? A Yes sir.
 Q When did he die? A 1893.
 Q Where were you born? A Was born in Colorado.
 Q Have you ever lived in the Creek Nation? A No sir.
 Q Have you ever been in the Creek Nation? A I have been here
 once.
 Q When were you here? A About six or seven weeks ago.
 Q How long were you here in the city? A A day.
 Q Just came down on a visit? A Yes sir.
 Q You still claim Kirkwood, Mo., as your home? A Yes sir.
 Q Did you ever draw any money from the Creek Nation? A No sir.
 Q Do you know whether any money was ever drawn for you? A No
 sir. I don't think it was.
 Q You would know if there had been? A No sir.

BY MR. BUCHER:

Q What is your postoffice address at the present time?
 A Kirkwood.
 Q No, your postoffice at the present time. A 195.
 Q What town? A Muskogee.
 Q Has your father ever called Jack Red? A I don't know.
 Q What did you know--did you know him by? A John Jackson.
 Q Did you ever know him by John Red? A No sir.

BY THE COMMISSIONER:

Q Your father's name was John Jackson? A Yes sir.
 Q You never knew him as Jack Red, did you? A No sir.
 Q How old were you at the time he died? A Seven years ago.
 Q Where did he die? A Died at Colorado Springs.
 Q Did he get his mail as Jack Red or John Jackson? A Jackson.
 Q You say that your postoffice at present is 195? A Yes sir.
 Q Muskogee? A Yes sir.
 Q Box 195, Muskogee? A Yes sir.
 Q You received any mail at that address? A Only one.
 Q How long do you expect that to be your pos office address?
 A I don't know; maybe two or three months or a week, maybe until
 Saturday.
 Q You expect to live here until Saturday? A I am not certain.
 I want to.

Eugene Red, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A Eugene Red.
 Q How old are you? A 24 years old.
 Q What is your postoffice address? A 149.
 Q 149 what? A It gets here 149, box 149, Muskogee, I. T.
 Q How long have you had this as your postoffice? A For the last
 month.
 Q Where have you lived the last month? A I have been here the
 last two weeks.
 Q Where were you the other two weeks? A I went away.
 Q Where did you go to? A Kansas City.
 Q How long do you expect this to be your postoffice address?
 A I am going to live here the rest of the time; I come here to
 live.
 Q The rest of your life? A Yes sir.
 Q With whom are you living? A I am staying with grandmother.

- Q What is her name? A Lydia Robbins.
- Q You claim to be a member of any Creek Indian Town? A No sir.
- Q Have you ever drawn any money from the Creek Nation? A No sir.
- Q Do you know whether any money was ever drawn for you? A My grandmother drawn, that's what she said.
- Q She drew money for you? A She got the money.
- Q What did she do with it? A I don't know.
- Q How much did she draw? A I don't know.
- Q Do you know when this money was drawn? A No sir.
- Q Don't you live with your mother? A Yes sir.
- Q Haven't you lived with her all of your life? A Yes, all my life.
- Q Don't you expect to live with her all the rest of your life until you have a home of your own? A I came here to live with my grandmother.
- Q Were you ever known by any other name than Eugene Red? A No sir.
- Q You never were known by any other name than Eugene Red? A No sir.
- Q Were you ever called Louis Red? A Called Louis for short, but name is Eugene.
- Q but you have been known as Louis Red? A Yes sir.
- Q Sort of nick name? A Yes sir.
- Q Do you know John Jackson? A Yes sir.
- Q Who is John Jackson? A I have a brother by the name John.
- Q Is he living? A No sir, he is dead.
- Q When did he die? A Died in 1893.
- Q You had a brother John Jackson who died in 1893? A Yes sir.
- Q Do you remember when your father died? A 1892.
- Q What was his name? A His name Jack Jackson--Jack Red.
- Q Did your father ever known as John Jackson? A Yes sir.
- Q Were you ever known as Eugene Jackson? A No sir.
- Q Never received any mail as Eugene Jackson? A No sir.
- Q Any should your father be called John Jackson? A His name was Jack Red.

BY MR. EUGEN:

- Q Do you know that 149 is your box in the postoffice, Muskogee? A Yes sir.
- Q Did you get any money from your grandmother said to have been drawn for you? A No sir.
- Q Was John Jackson, your brother, ever called John Red? A Yes sir.
- Q Was your father called Jack, a nickname for John? A Yes sir.
- Q Didn't you say that your father was known as John Jackson? A Through a mistake--his name--
- Q Don't you know whether he was called John Jackson? A No sir.
- Q You know that he was called John Red? A Yes sir.
- Q He was also called Jack Red? A Yes sir.

BY THE COMMISSIONER:

- Q How old were you when your father died? A I don't know how old.

CASE CONTINUED FOR FIFTEEN DAYS
For further evidence.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commissioner to the Five Civilized Tribes, do hereby state that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me
this the 1st day of November
1905.

J. Y. Miller
Edw. C. Quase
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 9, 1905.

In the matter of the alleged application for the enrollment of Jim Red, et al. as Creek Freedmen.

APPEARANCE: Carroll S. Bucher, Attorney for the alleged applicants.

Dave Roberts, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Dave Roberts.
- Q How old are you? A Well, I don't know just exactly about old. I guess I am 49.
- Q Where is your postoffice? A Muskogee.
- Q You are a citizen of the Creek Nation? A Yes sir.
- Q Do you know the applicants in this case, Jim Red, Lewis Red--?
- A Well, I knows the father, I don't know the boys quite well.
- Q You know the father, Jack Red? A Suppose I know Jack.
- Q Was he ever known by any other name? A No sir, that the onliest name I knew him by. I guess perhaps he might changed when he left here.
- Q When did you know him? A It has been about 25 and 30.
- Q Where did you know him? A I knew him down here, what place? Place down here by the name Fort Davis. I lived here; he lived on this side of the creek with his mother.
- Q Is he living? A Who, Jack Red? He is dead.
- Q When did he die? A It has been some years. He died in the States; he had him shipped here.
- Q Do you know a party by the name of H. J. Red? A Yes, I know Jack Red's father; his name was Red.
- Q Jack Red's father? A Yes, his name was Red. I know H. C. Reed.
- Q Who is this H. C. Reed? A He is a member of the Council now. He used to be--now is just a member or representative, Canadian Town.
- Q He is living now? A Yes sir.
- Q Do you know if any money was drawn for any of these boys or not?
- A During the \$29 payment Ned Robbins draw for these boys. These boys' grandmother's husband, he is dead now.
- Q Do you know whether or not this money was turned over to these boys or not? A Yes, for my own understanding the money was not turned over to the boys.
- Q Have you seen his sons at all, the boys? A Yes sir.
- Q Lewis, Jerry, Eugene and John? A Yes sir.
- Q When did you see them last? A Last month.
- Q You have seen all of these boys last month, Lewis, Jerry, Eugene and John? A Four of them; one is dead. That is my understanding. I saw three of them. Saw one of them yesterday.

BY MR. BUCHER:

- Q Do you know whether these boys were ever recognized as members of the Creek tribe--of the Creek Nation? A Yes, they had a 18

Committee appointed just a little before the \$29 payment and after these boys were enrolled, they had the enrollment submitted to the Eighteen Committee; they were recognized as citizens. That was my understanding.

BY THE COMMISSIONER:

Q Are you related to them at all in any way? A No sir; I am not.

Q Do you know a man by the name of John Jackson or Jack Jackson?

A Yes, I know by the name Jack Jackson.

Q Is he related or connected with these people in any way?

A No sir, I don't know.

Q Is this Jack Jackson living that you know? A Yes, there's one Jack Jackson is living to my knowledge. He's a great big fellow. He lives about Coweta. This fellow I have reference to I don't think that he is related to them. He is of the Hawkins family.

Q Do you know the mother of these boys? A No sir, I don't.

Q Did you ever see her? A No sir.

Q Was the father of these boys a recognized citizen of the Creek Nation? A Oh, yes. We were partly raised up together, why supposed recognized.

Q He left the Nation? A Yes sir.

Q Died in Colorado? A Yes sir. His mother had him shipped here. They used the boys' money shipped him here from Colorado. He was scouting when he left here.

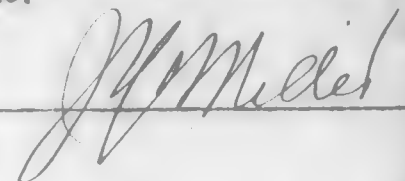
Q He was a fugitive from justice, was he? A I guess so. I don't hardly understand what you mean by that.

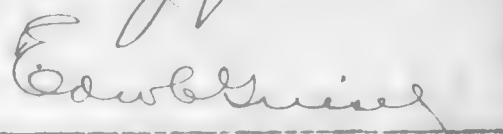
TEN DAYS' TIME ALLOWED FOR INTRODUCTION
of further evidence.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me
this the 14th day of November,
1905.





Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 16, 1905.

In the matter of the alleged application for the enrollment of Jim Red, et al. as Creek Freedmen.

APPEARANCE: Carroll S. Bucher, Attorney for the alleged applicants.

H. C. Reed, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Henry C. Reed.
Q How old are you? A I don't know exactly, about 61 or 62.
Q What is your postoffice address? A Lee, I. T.
Q Are you a citizen of the Creek Nation? A Yes sir.

Witness is identified on Creek Freedmen card, field No. 285, opposite roll No. 1030.

- Q What official position have you held in the Creek Nation?
A I held the position as Town King and Judge of the District Court. Now I am a member of the Creek Council of the House of Warriors.
Q You are a Warrior at present? A Yes sir.
Q Of what Town? A Canadian colored.
Q What official position did you hold in the years 1890 and 1891?
A Town King.
Q For Canadian colored? A Yes sir.
Q Do you know the applicants, Jim Red, Lewis Red, Jerry Red, Eugene Red and John Red, in this case? A I don't know them in person.
Q Do you recollect any of them? A I don't only recollect the enrollment but not in person, neither do I know them now.
Q Have you ever seen any of these applicants? A No sir, that as I know of.
Q Did you ever draw any money for any of these people? A If I did, I don't remember.
Q Do you know Jack Red? A I know Jack Red.
Q You have seen him personally, have you? A Yes, sir, I--
Q When did you see him last? A '60--'70, I reckon, it was last year I seen, about '73 or '74. He lived here and got into some trouble, ran away from this place.
Q Was he married at that time? A Yes, when he went away from here.
Q Do you know the name of his wife at that time? A I know the name of it. I can't tell her name. The woman is living now. I can't think what her name is.
Q Do you know where he went from here? A I heard where he went from here.
Q Where did you hear he went to? A I believe Colorado, or some place.

Q Did have any other names than Jack Red? A No sir, that I know of. I always knew him as Jack Red until he died. They brought his remains here.

Q Do you know when he died? A I knew the time then; I forgot.

Q About how long has it been since you saw his remains? A Quite smart to my recollection. It has been so long, I can't remember what year it was exactly. Could not name the date of the year without taking a great deal of time to think about it.

Q About how many years ago has it been since you saw the remains last? A If I could just remember what date of the year it was, then I could count up.

Q I am not asking you what year--about how many years ago? A This is the question; if I knew the date of the year--it was '95 or '96 then I could count and see how many, but I can't remember whether it was 94 or 96. I can't remember.

Q Do you think he has been dead at least 10 years? A Yes sir.

Q Where was he buried? A Out here to where ~~Agony~~ old Agency graveyard.

Q Do you remember whether he had any children at that time or not? A I don't remember if he had any. I remember they told me he had children. He went to Colorado, married a wife and had children. I remember telling me that, and I remember that they these children and they were on the roll. I remember that.

Q You don't remember ~~if~~ ever seeing these children, do you? A I--no, never seen them here. They were introduced to me--Jack--I met him on the street.

Q If any money was ever drawn for any of these children or even for Jack Red, you would know it? A I would know it at that time, but don't remember.

Q Who had the distribution of the money for your Town? Who paid it out? A Napoleon Moore was the man. He was it that paid it out.

Q Did you ever receipt for any money? A Of course, I draw money for several citizens who was not present.

Q Receipted for them on the pay-roll and then turned over to the people? A Yes sir.

Q How did you sign your name? A H. C. Reed, mostly.

Q Do you know W. L. Austin? A It seems I would like to know.

Q Do you know a party by the name of Cornelius Carr? A No, sir, I don't remember.

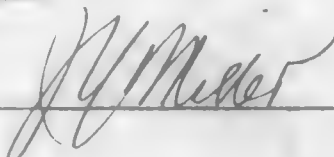
Q Do you recognize this signature here? (Showing witness 1901, Canadian Colored Town, page 20). A Yes, that's my signature.


Q These are your signatures? A Yes sir.

INDIAN TERRITORY, Western District.

I, J. Y. Millor, a stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me
this the 17th day of November,
1905.





Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, July 19, 1906.

In the matter of the application for the enrollment
of Jim Red, et al., as Creek freedmen.

JIM RED, being duly sworn, testified as follows:

- Q Is your name Jim Red? A I go by the name of Jackson, my name was put on as Red.
- Q Did you appear before this office October 31, 1905 and testify in the matter of the application for your enrollment as a Creek?
- Q Are you the Jim Red who testified here at that time? A Yes, sir.
- Q Have you any brothers living? A Yes, sir.
- Q What their names? A Jerry, Eugene and myself.
- Q Does Eugene some times go by some other name? A By the name of Jackson, that is the name we go by.
- Q You mean his surname is Jackson? A Yes, sir.
- Q What other name does he go by? A Lewis or Eugene. Jackson.
- Q And he also goes by the name of Lewis or Eugene Red? A Yes, sir.
- Q You go by the name of Jim Red or Jackson? A Yes, sir.
- Q You have a brother by the name of Jerry? A Yes, sir.
- Q Called anything else? A Jerry Red or Jerry Jackson.
- Q How old are you? A Twenty two.
- Q What year were you born? A I think '83; I will be 23 in August.
- Q How old is Jerry Red? A Twenty one I think in February.
- Q How old is Lewis Red? A Twenty four; 25 the 4th of August.
- Q You are all of age? A Yes, sir.
- Q Where are you living? A In Kansas City.
- Q Where were you born? A In Colorado Springs.
- Q How long did you live in Colorado Springs? A I can't remember that; I was small when I left there.
- Q Then where did you go? A Kirkwood, a suburb of St. Louis.
- Q How long did you live there? A I think it was 1902 when I left there and went back to Colorado.
- Q Then you lived in Colorado and Kirkwood mostly up to the year 1902? A Yes, sir.
- Q Did you live any other place besides Colorado, Missouri from the time you were born until 1902? A I never was living in other places, I was railroading in Colorado.
- Q Were you ever in Indian Territory? A Yes, sir.
- Q Prior to 1902? A Yes, sir.
- Q Where did you go from Kirkwood, Missouri? A I came to Kansas City and from Kansas City I went to Colorado.
- Q How long in Colorado at that time? A Until 1904.
- Q Then where? A Then St. Louis.
- Q How long there? A Until September 1904.
- Q Then where did you go? A To Muskegee.
- Q How long did you stay in Muskegee? A From September until Jan.
- Q What were you doing in Muskegee? A I just found my grandmother.
- Q How did you happen to find your grandmother? A Through my Grandmother's brothers wife.
- Q What is the name of your grandmother? A Lydia Robbins.
- Q Did you work during the time you were in Muskegee? A No, sir I couldn't find any work.
- Q How did you live? A With my grandmother.
- Q And you staid here then? A Until January. From September to Jan.
- Q Then where? A To Kansas City.
- Q How long there? A Until last night.

Q Then the only time you have been in the Territory was in the fall of 1905 up to January 1906.

Q What is your purpose in coming here this time? A To see about my application.

Q Are you married? A Yes

Q Did you marry a citizen of any of the Five Tribes? A No, sir.

Q Citizen of the United States? A Yes, sir.

Q You are living in Kansas City? A Yes, sir.

Q Have a home in Kansas City? A No, sir

Q How do you live there then? A What I call a home is what you own yourself; I rent a room there.

Q Do you own any furniture there? A No, sir.

Q Do you own anything there? A No, sir

Q What is your occupation? A I work in private family and in Armours.

Q What are you doing now? A My people went away and I came down here.

Q Then the reason you came here is partly you were out of a job and partly to look after your application? A No, sir

Q What were you doing before you came down here? A I was working around in St. Louis.

Q I mean this time? A I worked until Sunday in a private family.

Q Who were you working for up there? A Dr. McConnell.

Q What is his address? A Forest Avenue.

Q Where is your brother Lewis Red? A In Kansas City.

Q Is he married? A No, sir.

Q Is he working up there? A Yes, sir.

Q Did he come to the Territory in 1905 with you? A Yes, sir

Q Did he go back with you? A He went back before I did.

Q Do you know how long he staid here? A No, sir.

Q Was he ever in the Territory before the fall of 1905? A No, sir

Q What is he working at? A Cooking

Q What is his address? A Where he lives is 4224 Baltimore.

Q Where is Jerry Red? A In Kansas City working for Dr. McConnell

Q Do you and Jerry both work for him? A Yes, sir, Jerry cooks and I coachman.

Q Then Jerry's address would be the same as yours in Kansas City?

A Yes, sir

Q What is the name of your father? A Jackson Red.

Q Known by any other name? A John Jackson.

Q Name of your mother? A Bell Jackson.

Q How do you claim citizenship rights in the Creek Nation? A On my father's side.

Q What do you claim about your father? A He was a citizen of the Creek Nation.

Q Who told you that? A My grandmother.

Q Did you ever know that until you came down here in 1905? A Yes, sir

Q How did you know it? A My mother told me that but we never found it out until I found my grandmother.

Q Where did she tell you that? A In St. Louis.

Q What year? A I can't say.

Q Do you think she told you when you were a small child, what did she tell you? A That we had a right in the Territory.

Q Did she say you had a right in the Creek Nation? A She didn't know what nation.

Q Did she tell you how you had that right? A No, sir

Q Have you an attorney representing you in this matter? A My brother has: I haven't

Q What brother? A Jerry but yes I have Bucher.

Q What is his address? A He is here in Muskogee

Q Is he representing you at this time? A Yes, sir.

Q Why is it that he didn't appear here this morning? A I don't know.

Q Have you any other attorney representing you? A My brother has in Kansas City.

Q What is the name of that attorney? A I think it is Moore.

Q Have you seen him here? A No, sir.

Q When you came down here in the fall of 1905 when did you see first to talk about this matter? A My grand mother.

Q Didn't you see some colored man before that? A No, sir.

Q How did you find out where your grandmother lived? A By her brother's wife in Kansas City.

Q Are you related to a person by the name of Lydia Robbins? A Yes.

Q How related? A She is my grand mother.

Q Is she living? A No, sir.

Q When did she die? A Died in March 1906.

Q Who is Belle Jackson? A My mother.

Q Is she living? A Yes, sir.

Q Where? A Kansas City.

Q What is her address? A 4224 Baltimore

Q What is your address in Kansas City? A Same as hers.

Q What is the address of your brother Jerry? A 3025 Forest

Q What is the address of your brother Lewis? A The same as me on Baltimore.

Q Will a letter reach you addressed to that address? A Yes, sir by the name of Jackson up there.

Q What are you called? A James or Jim Jackson.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me
this 24 day of July 1906.

Edward Murrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
~~MUSKOGEE, INDIAN TERRITORY.~~
JULY 20, 1906.

In the matter of the application for the enrollment of
Jim Red et al., as Creek Freedmen.

Appearances: Hutchings, Murphy & German, attorneys for
applicant.
M.L.Mott, attorney for Creek Nation.

Jim Red, being duly sworn, testified as follows:

By Commissioner:

Q What is your name? A James Red.

Q And you also go by another name? A James Jackson.

Q Are you the Jim Red or James Jackson who appeared here
yesterday and testified in the matter of your alleged right to
enrollment as a Creek Freedman? A Yes sir.

Q In the testimony you gave here yesterday you stated that you
were born in Colorado; that the first time you came to the Terri-
tory was in September, 1905; that you removed from Colorado
to the state of Missouri; and that you were working and at the
present time residing in Kansas City, Missouri; that you derived
your citizenship rights from your father, Jack Red, who is also
known as Jack Jackson; that your knowledge as to any rights you
might have in the Creek Nation was derived ~~thr~~ from hearsay,
through statements made to you by your mother previous to your
coming to the Indian Territory, and by statements made by your
grand mother, Lydia Robbins after you came to the Territory;
you also in your testimony yesterday stated that your brothers,
Eugene Red, sometimes called Lewis Jackson, and Jerry Red, were
at the present time working in Kansas City, Missouri; that their
post office addresses were at that place; that they were also
born in Colorado, removed to the state of Missouri; that the
first time they came to the Territory was in the fall of 1905.
Is that correct? Is that a correct statement of the testimony
you gave yesterday? A Yes sir.

Q Your ~~purpose~~ in appearing here today is that the statements
you made yesterday may be made known to the attorney who is now
representing you, and in order that you may make farther state-
ments as you may desire, is that correct? A Yes sir.

By Mr. German:

Q When did your father Jack Red die? A I can't remember the year
he died.

Q Do you know how old he was at that time? A No sir.

Q Who was your mother? A Belle Jackson.

Q Is she living? A Yes sir.

Q State whether or not during your father's life time there
was a photograph of the family taken? A Yes sir, there was.

Q Is your father in that photograph? A ~~Yes~~ No sir.

Q Are you in it? A Yes sir.

Q Have you seen that photograph? A Yes sir.

Q About what age were you when it was taken? A Why I
don't know how old I was then, I remember sitting for the picture.

Q About how old were you at that time? A About 10 or 12 years
old I think.

Q Who of the family were in that photograph? A My mother, John
the oldest boy, Lewis, and Jerry and myself.

Q Can one of those pictures be produced now? A Not at the present time.

Q Do you know where some of them are? A Yes sir.

Q Where are they? A Kansas City.

Q Do you know of your own personal knowledge whether that picture was ever presented to your grandmother Lydia Robbins in Muskogee? A She said she had one of the pictures but it was misplaced.

Q Did you see it down here in her possession? A I had one myself. She saw the one I had.

Q Did she identify it as the same picture that she formerly had which was misplaced? A Yes sir.

Q Who was present when she identified it? A Why myself, and her grand son, French Taylor and Mary and Etta.

Q Mary and Etta who? A I don't know their last named.

Q Are they daughters of Lydia Robbins? A No. My grandmother's daughter her granddaughter's children, goes by the name of McHannon.

Q Where do they live? A Wainwright.

Q Indian Territory? A Yes sir.

Q How long did you live with your father, Jack Jackson, or Jack Red? A I can't remember, my mother went to Missouri when I was quite small.

Q Was your mother a citizen of the Creek Nation? A No sir.

Q Do you know whether or not your mother was ~~not~~ ever in Muskogee?

A Yes sir she was down here in October.

Q Of what year? A 1905, last year.

Q Was that the first time so far as your knowledge extends?

A Yes sir.

Q When was it that your mother first told you that you were a citizen of the Creek Nation and entitled to enrollment? A Ever since I can remember.

Q Do you know how she knew that? A Only by what her father told her.

Q When did you first learn what was necessary for you to do to be finally enrolled as a citizen of the Creek Nation.

A After I came here in September.

Q You never knew it before that time? A No sir.

Q How did you come to know it at that time? A My grand mother told me.

Q State whether or not that you thought you were enrolled prior to that time? A I didn't have any idea whether I was enrolled or not.

Q So the first information that you had that it was necessary for you to make application to the Commissioner to the Five Civilized Tribes to become enrolled as a Freedman was what your grand mother told you? A Yes sir.

Q State whether or not you heard it from ---heard from your grandmother with reference to this matter before you came down here? A Not about filing, I received letters from her.

Q Had anyone told you that you were enrolled? A None but my grandmother.

Q She had told you you were on the roll? A Yes sir, after we came down here.

Q That was before you appeared before the Commission? A Yes sir.

Q The fact that your mother had told you that you were a citizen of the Creek Nation, and that your grandmother told you that you were enrolled and what steps to take, is that not what led you to take this action? A Yes sir.

Q What is your occupation? A I used to cook, now I just do laboring work.

Q Have you been a porter on a pullman? A Yes sir.

Q The class of work that you do, state whether or not you can procure such work in this country very easily? A I think so.

Q Under the conditions heretofore existing has it not been easier for you to get work in your class in larger cities than in this country? A Yes sir.

Q What were your reasons for living in Kansas City and St. Louis rather than come to this country, previous to your coming here. A I don't know whether ---my grandmother was living here--I didn't know where she was, I didn't know whether she was down here or not I didn't know her address, but I knew she was down here.

By the Commissioner.

Q Did you ever receive a letter yourself at any time while living in Colorado or in Missouri from your grandmother? A No sir.

Q Did you ever know of your mother or father ever receiving a letter from any of your relatives in Indian Territory.

A My mother received one from my grand mother.

Q When? A It has been so long ago.

Q Do you know where your mother was living when she received that letter? A Well, she was living in Missouri.

Q Were your father and mother married? A Yes sir.

Q Do you know whether they had a marriage license? A She said they did.

Q Do you know whether she has that marriage license or the original? A Why, I don't know sir.

Q Do you think you could procure a certified copy of that if it was required? A Yes sir.

Witness is requested to produce the photograph referred to him, and he is also requested to produce witnesses before the Commissioner who have knowledge as to his being the Jim Red, who was a child of Jack Red, and it may also be necessary that the evidence of marriage ~~be~~ his mother and father be filed in this case.

Lona Merriok, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Lona Merriok

Subscribed and sworn to before me this 24th day of July, 1906.

H. H. Hains

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, INDIAN TERRITORY.
AUGUST 10, 1906.

Cr. EnNo.987.

In the matter of the application for the enrollment of
Jim Red, et-al, as Creek Freedmen.

APPEARANCES: Robert A. Moore, attorney for applicant.
John G. Lieber, acting for M. L. Mett,
attorney for Creek Nation.

Belle Calleyway, being first duly sworn, testified as follows

Questions by Commissioner:

- Q: What is your name? A: Belle Calleyway.
Q: How old are you? A: I am 47.
Q: What is your post-office address? A: Kansas City.
Q: Have you a street address there? A: #2244 Baltimore Street
Q: Are you a citizen of the Creek Nation? A: No sir.
Q: You are a colored woman and a citizen of the United States
are you? A: Yes sir.
Q: Have you ever been a resident of the Indian Territory?
A: No sir.
Q: What was your maiden name? A: Belle Bowles.
Q: How many times have you been married? A: This is the
second time.
Q: What was the name of your husband? A: John Jackson,
called John Red or called Jack Red.
Q: What do you mean by that? What was his correct name?
A: Jack Red.
Q: What name did he go under when you first knew him?
A: By the name of John Jackson and Red, both.
Q: When did you first meet John Jackson? '77.
Q: Where did you first meet him? A: Colorado Springs.
Q: What year did your first meet this John Jackson? '77.
Q: When did you marry him? A: '78.
Q: Did you marry him according to law? A: Yes sir.
Q: Have you your marriage license and certificate?
You have got a license, haven't you? A: Yes sir.

Attorney for applicant states that the marriage certificate
of John Jackson and Miss Belle Bowles was applied for to
the Clerk of the Court in Colorado Springs, and a certified
copy is herewith exhibited.

Certified copy of marriage certificate of John Jackson and
Belle Bowles is introduced as evidence and filed herewith
and marked Exhibit "A".

- Q: How long were you married to John Jackson? A: About 8 years.
Just 8 years.
- Q: Were you divorced from him at the end of that time? A: No sir.
- Q: Did he die? A: Yes sir, he died.
- Q: In what year did he die? A: I don't know, I don't remember
- Q: How many children did you have by John Jackson? A: I had seven.
- Q: Had 7 children? A: Yes sir.
- Q: Are they all living? A: No sir.
- Q: How many of those children are now living? A: Three.
- Q: What are the names of those three children? A: Eugene Red, Jerry Red, and Jim Red.
- Q: What is the reason these children were given the name of Red instead of Jackson? A: Well because he run off and changed his name. My husband run off and changed his name, that is the name we were married under, Jackson.
- Q: When these children were born to you did they go by the name of Jackson? A: They went by the name of Jackson and by the name of Red.
- Q: When did they first go by the name of Red?
- A: Since they have been big enough.
- Q: Who is the oldest of those children? A: Louis, we call him Louis for short, his name is Eugene.
- Q: When was Louis or Eugene born? A: He was born in '81.
- Q: In '81? A: Yes sir.
- Q: Did you have any children by John Jackson prior to the birth of Louis or Eugene? A: Two.
- Q: What were their names? A: One was named Pickett and the other was named Johnny.
- Q: Are they both dead? A: Yes sir.
- Q: How long did they live after they were born? A: One lived 17 years and one three weeks old.
- Q: Which one lived to be 17 years old? A: Johnny.
- Q: Did he die in Colorado? A: He died in Missouri.
- Q: What was the name of your second child now living, the one after Louis? A: James.
- Q: Did he go by any other name? A: No sir.
- Q: When was he born? A: In '83.
- Q: What is the name of the other living child? A: Jerry.
- Q: Did he go by any other name? A: No sir.
- Q: When was he born? A: In '85.
- Q: These children were all born to you when you were living in Colorado Springs? A: Yes sir.
- Q: What year did you go to live there in Colorado Springs?
- A: In '74.
- Q: How long did you live in Colorado Springs, continuously?
- A: 10 years.
- Q: Then where did you go? A: I went to St. Louis, Missouri.
- Q: Did you take your children with you? A: Yes sir.
- Q: All of your children? A: Yes sir.
- Q: That was in the year '84 was it? A: No, I don't know what year that was.
- Q: You say in '74 you went to Colorado Springs and 10 years later you went to St. Louis, Missouri? A: Yes sir.
- Q: Have your children lived in the state of Missouri since?
- A: Yes sir.
- Q: Are your children living in the state of Missouri at the present time? A: Yes sir.

- Q: Are your children here today? A: Two of them.
Q: What are the names of the children here today? A: Eugene and Jerry.
Q: And Jim Red your other son is now in Missouri, is he?
A: Yes sir.

Questions by Robert A. Moore, attorney for applicant:

- Q: You say you went to Colorado Springs in 1874, Mrs. Jackson?
A: Yes sir.
Q: Were your children born in Colorado Springs? A: Yes sir.
Q: Jerry was born in Colorado Springs in 1885 was he? A: Yes sir.
Q: When you say you lived in Colorado Springs ten years that is to the best of your knowledge? A: Yes sir.
Q: At the time you married Jack Red did he say anything to you about his birth place or residence? A: Yes sir.
Q: What did he say? A: He said he belonged here, his mother was here and he was a member of the Creek Nation.
Q: When you say he belonged here, what do you mean, Indian Territory? A: Yes sir, Muskogee.
Q: Did he tell you he was a resident of the Creek Nation?
A: Yes sir.
Q: That he was a member of the Creek Nation? A: Yes sir.
Q: Do you know why your husband came to Colorado Springs?
A: Yes sir, I know why.
Q: Was it because of some trouble he got into in Indian Territory? A: Yes sir.
Q: How long after the birth of Jerry did your husband die?
A: He died the same year I think.
Q: And after your husband died you went to St. Louis?
A: Yes sir.
Q: Did you during the early boyhood of your children tell them that their father was a member of the Creek Nation?
A: Yes sir.
Q: Did you tell them that often? A: Yes I told them over since they could remember.
Q: Your husband's mother--what was your husband's mother's name? A: Lydia Robbins.
Q: Did Lydia Robbins live in the Indian Territory?
A: Yes sir.
Q: Did you ever see Lydia Robbins? A: Yes sir, I saw her last fall and stayed at her house.
Q: Do you know of your own knowledge that E. Louis Red and James Red and Jerry Red were put on the rolls of the Creek Nation freedmen? A: Yes sir my mother-in-law written and told me.
Q: When was it your mother-in-law wrote and told you?
A: I don't know, it has been so long I don't remember that.
Q: When was it they were put on the rolls do you remember?
A: I don't know.
Q: Do you know of any money having been drawn for them as members of the Creek Nation?
A: Yes, my mother-in-law said she drew some to bury the father

Attorney for Creek Nation, objects to witness detailing hearsay evidence. And that the records of Commission are the best evidence of the fact. (Objection noted)

- Q: When did your sons first take steps of their own accord to be recognized as Creek Freedmen? A: They had tried for a good while but they couldn't find the grand-mother and so they came down last fall. They had been writing to her a long time and lost track of her and didn't do anything more about it.
- Q: Did you during the life-time of your husband ever have a picture taken of yourself and family? A: Yes sir.
- Q: Who constitute the group in that picture? How many children I mean to say are in the picture?
- A: There are four.
- Q: I will ask you if you recognize this picture as having been taken of yourself and family? A: Yes sir.
- Q: Has this picture or a copy of the picture ever been shown to anyone in the Indian Territory? A: Yes sir.

(Counsel for applicants introduce in evidence a picture as the picture of the family of John Jackson or John Red. The picture being the picture of the three applicants and the mother, also one child who is dead.)

- Q: I will ask you if you have a picture of your husband?
- A: Yes sir.
- Q: John Red or Jack Red? A: Yes sir.
- Q: I will ask you if you recognize that picture as the picture of your husband? A: Yes sir.
- Q: Has this picture ever been shown to anyone in the Indian Territory? A: Yes sir.
- Q: How long ago? Has it been a number of years ago?
- A: Yes sir, it has been a good while but I disremember.
- Q: Has this picture of yourself and family been shown a number of years ago? A: Yes sir, I had them taken and sent one to my mother-in-law.

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(Counsel for applicant introduces as evidence the picture, as the picture of John Jackson.)

Counsel for Creek Nation objects to the introduction of these photographs, because it is immaterial in this investigation).

Questions by Commissioner:

- Q: When did you send a copy of either of these pictures to?
- A: My mother-in-law.
- Q: What was her name? A: Lydia Robbins.
- Q: Is she the Lydia Robbins who has previously testified in this proceeding? A: Yes sir.
- Q: Is she living? A: She is dead now, she died last winter.
- Q: The three children standing in the back row in this larger photograph, are they the three children that are now applicants before this Commission? A: No the one sitting down and the two smaller ones standing.
- Q: The one standing next to you with his hand on your shoulder is the one that died in Missouri? A: Yes sir.

- Q: You state that all of these children shown to you in this picture were born to you while you were in Colorado?
A: Yes sir.
Q: And that John Jackson was the father of these children?
A: Yes sir.
Q: What year was it you married your second husband? A: I don't know, it was three years ago, I don't know what year it was.
Q: Only three years ago? A: Yes sir.
Q: Have you any witnesses present who can corroborate your testimony to the effect that these children whose pictures were shown in this photograph, are the children of you and John Jackson? A: Yes sir.
Q: You have? A: Yes sir.

(Photograph referred to has been introduced in evidence)

Questions by J. G. Lieber, acting for M. L. Mett, attorney for Creek Nation.

- Q: You married your husband John Jackson in Colorado Springs? in 1878, did you? A: Yes sir.
Q: You were living there at that time? A: Yes sir.
Q: He died I believe in 1892? A: Yes sir.
Q: The 17th. day of February? A: Yes sir.
Q: Between the time you married him in Colorado and the time of his death, did he ever live in the Creek Nation?
A: No sir.
Q: And none of your children ever resided in the Creek Nation since their birth have they? A: Well they was down last fall.
Q: I said resided, not visited? A: No sir.
Q: Last fall was the first time they ever came to the Creek Nation was it? A: Yes sir.

Questions by Robert A. Moore, attorney for applicant.

- Q: At the time your children came to the Indian Territory did they come here for the purpose of residing here, do you know? A: I don't know whether they did or not.
Q: If they intended to come to the Creek Nation to reside, to the Indian Territory to reside, they could have come here with that intention without your knowledge, could they not? A: Yes sir.

Questions by John G. Lieber, attorney for Creek Nation.

- Q: Do you know how long John Jackson had been living in Colorado Springs before you married him? A: No sir.
Q: How long had you known him before you married him? A: I don't know, three or four years, I guess.

Questions by Commissioner:

- Q: How old is Jim Red? A: 23.
Q: What year was he born in? A: In '83.

- Q: Is Louis Red the eldest child? A: Yes sir, he is 25.
Q: How old is Jerry Red? A: He is 21.
Q: In what month was Jerry Red born? A: In '85.
Q: What month? A: February 8th.
Q: February 8, 1885? A: Yes sir.

Questions by John G. Lieber, acting for M. L. Mett, attorney for Creek Nation.

- Q: Is Jerry here today? A: Yes sir.
Q: Has she ever been to the Creek Nation before this time?
A: No sir. He was down last fall, all of us was.
Q: On a visit? A: Yes sir, all of came down on a visit.

Questions by Robert A. Moore, attorney for applicant:

- Q: what was your reason for coming down last fall? A: They heard from the grand-mother she had been writing for us to come down to see about this and she wrote to Colorado Springs, and we wasn't to Colorado Spring, and a lady we knew came to Missouri and told us and we came down last fall
Q: When you saw you came down to see about this, what do you mean, about the citizenship of your sons in the Creek Nation? A: Yes sir, they came down, I didn't come with them.

Dave Roberts, being first duly sworn testified as follows:

- Q: What is your name? A: Dave Roberts.
Q: How old are you? A: I don't know just exactly, something about 54 I guess.
Q: What is your post-office address? A: Muskogee.
Q: Are you a freedman citizen of the Creek Nation? A: Yes sir.
Q: Have you received your allotment as such? A: Yes sir.
Q: Are you acquainted with the applicants in this case?
A: Well I am with their father.
Q: Do you know the names of the applicants in this case?
A: Well yes, I think I do.
Q: What are the names of the applicants? A: Well one is Jerry and Louis and Jim.
Q: When did you first see these applicants?
A: Last fall, I don't know just exactly about what time it was, but it was last fall.
Q: Where did you see them? A: Here in Muskogee, down to their grand-mother's.
Q: How did you happen to meet them? A: Well I am well acquainted with their grand-mother, she partly raised me I often went down there to see her.
Q: Where in this town did you meet them?
A: I couldn't tell you just exactly where, but it was here on the street I couldn't tell you what spot.
Q: Did they introduce themselves to you? A: No sir, they did not. This Jackson Davis showed them to me, but I

- already knew they was here, that the boys was here and Jackson Davis he showed them to me when they were here in town, I knew before that that they were here.
- Q: Who is Jackson Davis? A: He is first cousin to these boys.
- Q: You only know that these boys are the persons they represent themselves to be by Jackson Davis telling you about it or other people telling you about it, do you?
- A: I knew that before because I knew their father was off in Colorado and that these boys was enrolled.
- Q: You don't know that these boys are the sons of that parent?
- A: No sir I heard of them and knew they were enrolled.
- Q: What was the name of their father? A: Jack Red when he lived here.
- Q: Do you know of your own personal knowledge that he went by any other name? A: Yes, I heard by his mother that he changed his name when he left here.
- Q: What was his mother's name? A: Lydia Robbins.
- Q: What was the reason he left the territory? A: He killed a man close to Red Bird in the Choctaw Nation.
- Q: What year was that? A: I don't know it must have been about 35 or 40 years ago, we were boys then.
- Q: Was that about the time of the war?
- A: No, it was away after the war.
- Q: Did you ever see him after he left the territory? A: I didn't see him any more at all, until he was shipped back here dead.
- Q: A corpse? A: Yes sir.
- Q: Well do you know whether Jack Red or John Jackson, the father of these boys was a citizen of the Creek Nation?
- A: Yes sir he was a citizen of the Creek Nation.
- Q: How do you know that? A: I know because his father was a citizen and his mother was a citizen and he was a citizen.
- Q: Was he recognized as a citizen by the tribal authorities?
- A: Yes sir.
- Q: In what way? A: He drew here same as they did and he was recognized same as a citizen, the same as they did us.
- Q: You say he drew money? A: Yes sir.
- Q: How do you know that? A: Why I know by his mother telling me and I know at the same time we drew money.
- Q: You never knew personally that he drew money? A: No, not myself I didn't see him.
- Q: What money did you hear he drew? A: I have heard that they drew the \$13 payment the same time my foregoing parents drew for me, they drew for him.
- Q: The \$13 payment? A: Yes sir, that was away before the \$29 and the \$14 payment.
- Q: Was that about the year '67? A: I suppose so, I couldn't tell you just exactly what time.
- Q: Was John Jackson or Jack Red living at that time?
- A: Why yes, I most know he was living at that time because I know in about '66 or '67 the Dunn Roll was made up.
- Q: Is his name on the Dunn Roll? A: I don't know but it ought to be.
- Q: Under what name do you suppose he would be on that roll?
- A: I knew him by Jack Red, I suppose he ought to be under the name of Jack Red.

- Q: What was the name of his father? A: They called him Red Turner.
- Q: What was the name of his mother? A: The name of his mother, I suppose she ought to have been Lydia Colonel before Lydia Red but her last name was Lydia Robbins, that was her last name. That was by the consent of Lydia Robbins that the boys was enrolled.
- Q: What do you mean by enrollment of them?
- A: By the census payment.
- Q: What payment? A: I think that was the \$29 or the \$14 payment.
- Q: Which was it in the year 1890 or 1895? A: Well I don't remember it seems to me, I don't know just what year it was
- Q: When application was made to the Tribal Authorities for their enrollment were you present? A: For the enrollment of Jim Red and Jerry Red; by the Creek authorities you speak of?
- Q: Yes. A: Yes sir, I was there present.
- Q: Who went there with you? A: Oh there was a lot of folks there, they were taking the census of the city, but I don't know who they were.
- Q: Did you ask to have them placed on the roll?
- A: No sir, I didn't.
- Q: Who did? A: Ned Robbins.
- Q: Who was he? A: He was Jack Red's mother's husband.
- Q: Do you know whether any money was ever drawn for these boys?
- A: Well not my own individual self. Not more than what I heard from their grand-mother, that there was money drawn for these boys.
- Q: Who told you there was money drawn? A: Aunt Lydia Robbins that was Jack Red's mother.
- Q: Was Lydia Robbins living when these boys were here last fall?
- A: Yes sir she was living.
- Q: Well she had never seen these boys, had she until last fall?
- A: Well sir, I am not able to tell you but to my judgment I don't hardly think she had ever seen them before.
- Q: Did she recognize them as her grand-sons? A: Yes sir.
- Q: How did she do that, how could she recognize them?
- A: Well she always knew or heard that her son had these children living, and we have often talked about it.
- Q: Do you know whether she ever heard from her son when he was living in Colorado? A: Yes sir.
- Q: Did she ever get any letters from him? A: Yes, I think she did, and I think she got a picture from the family.
- Q: Well do you know when that picture was sent to her?
- A: No sir, I don't exactly know when it was sent to her but I know she said she had a picture of the family, but I don't know when it was sent to her.
- Q: Is it a fact that all you know as to these applicants being the children of Jack Red is what has been told you by their mother? A: By their grand-mother.
- Q: By the grand-mother? A: Yes and by Ned Robbins having them enrolled as the sons of Jack Red. They are the two things that I know by.

Questions by Robert A. Moore, attorney for applicant.

- Q: You also stated, did you not, that you knew these boys by having been told by their cousin on the street?
A: Yes sir, by Jackson Davis.
Q: Do you know of a picture received by Lydia Robbins?
A: I have heard her say she had a picture but I didn't see it because she said she had misplaced the picture at home and couldn't find it.
Q: You never did see the picture yourself? A: No sir.
Q: You stated that you were present when the names of the boys was put on the roll by Ned Robbins? A: Yes sir.
Q: Do you remember what time it was? A: No sir, I don't remember exactly what time it was but it was along during either the \$20 or the \$14 payment. I don't know which payment but the boys were placed on the roll.
Q: Do you know who drew that money for the boys?
A: Well I don't know but Lydia told me that she had got the money.
Q: Lydia Robbins told you she had got the money? A: Yes sir and had been saving it and after the death of Jack Red, she used it to have him brought back home.
Q: That is the statement that Lydia Robbins made to you?
A: Yes sir.
Q: I will ask you to look at that picture and state if you know who is the original of that picture? A: Well I think it is Jack Red myself, I never have seen this picture before but that is about who I would say it is.
Q: You would say that is a picture of Jack Red? A: Yes sir.
Q: You know I knew him when he was a boy, we used to shoot marbles together.

Questions by J. G. Lieber, acting for M. I. Mott, attorney for Creek Nation.

- Q: Have you have testified in this case before haven't you?
A: Yes sir, I did.
Q: You testified that Jack Red was married at the time he left the Creek Nation, long years ago? A: Well I guess I might have, I know he did used to have a wife at that time.
Q: Well isn't it a fact that he did leave a wife here when he went away from here? A: I suppose that he did. In them times if a man would live with a woman for a while and be gone of course I couldn't say that she was his lawful wife at the time, but I think he was living with a woman at the time he left.
Q: What was her name? A: He lived with a woman by the name of Tina and then there was two of them, but I can't think of the other woman's name, I think she was a Choctaw woman I disremember her name now. I couldn't say just which one he was living with at the time. I knew of Tina and another woman but I don't know her name.
Q: Which one was he married to? A: I couldn't tell you that I don't know whether he was married to either one of them.
Q: They lived together as husband and wife did they not, and were so recognized by the neighbors?

- A: Well now I will just tell you, he lived with first one and then the other.
- Q: Well along about that time you creek people recognized the right of a man to have a couple of wives in the Creek Nation didn't you? A: Well no, I don't think we did really, I don't think we did, I think they recognized the one that the man stayed with. Whenever he lived that way I don't think they were recognized as man and wife unless he stayed with her.
- Q: Did Jack stay with either one of these women as his wife? A: Just as I stated a while ago, he didn't stay any particular place, he just went first to one and then to the other to the best of my recollection.
- Q: Are either of those women living at this time? A: Yes, Tina is living.
- A: Where does she live? A: She lives down on I Creek but she has got married since.

Questions by Commissioner:

- Q: What is her post-office address? A: I expect it ought to be Checotah.

Questions by John W. Lieber, acting for Creek Nation's atty

- Q: What is her name now? A: Her name used to be Tina Manuel, I guess that is her name yet. I don't say that she was his wife but as far as my knowing.

Questions by Robert A. Moore, attorney for applicant:

- Q: You simply say you don't know? A: No sir, I don't know.
- Q: At the time you referred to, in your statement relative to Jack Red living with a woman in the Indian Territory was it or was it not the custom for men to live with these women without being married? A: Why yes, they could if they wanted to they could.
- Q: As a matter of fact, all you know about it, was that Jack Red was those in his morals, is that true?
- Q: What do you mean by that? A: I mean to say, that he lived first with one woman and then another, did he? A: Yes sir.
- Q: You mean to say that he was not married to either one of the women? A: When you use the term married, do you mean married as they are married now? It was the custom to have some preacher to come and marry them in those days, of course you didn't buy a license as now.
- Q: Do you know whether Jack Red went through any formalities at all? A: No sir.
- Q: Then as a matter of fact you have heard he lived with some women not his wife? A: Yes sir.

Questions by Commissioner: J.G. Lieber, for Creek Nation.

- Q: All you know Dave is that he lived with these women, you don't know whether they were his wives or not do you?
- A: Well no sir, I don't know. That is as far as my judgment about it, of course I don't know really whether they were his wives or not.

Questions by Commissioner:-

- Q: Did he live in the house with either of the women you have referred to and support them? A: Well to the best of my knowledge I don't think that he did, he was first around one place and then another, first to his father's and then to his mother's, I remember how they carried him double on the horse.
- Q: Did he ever live in one house with either of these women? A: No sir, not of his own.
- Q: Did he ever live with either of them in a house of his own? A: Not to my knowing.
- Q: Did he ever take either of these women to the house of his father or any relative and live with them there? A: Not to my knowing. He would stay with his father a while and then to his mother's and then he would be gone off may be down by Venison in the Choctaw Nation and when he would go away, to my knowing he would take up with a woman, that is my knowledge about it, that is what I know about it.

Racheal Taylor being first duly sworn testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Racheal Taylor.
- Q: How old are you? A: I am 61.
- Q: What is your post-office address? A: Right here, Muskogee.
- Q: Are you a citizen of the Creek Nation? A: Yes sir.
- Q: received an allotment have you? A: Yes sir.
- Q: Are you acquainted with the applicants in this case? A: Yes sir, well I got acquainted with them last fall. The children were strange to me but I knew their father all right.
- Q: Did you ever see the applicants before last fall? A: No sir.
- Q: where did you see them? A: They came to my house.
- Q: To your house? A: Yes sir.
- Q: Are you related to them? A: Yes sir.
- Q: What relation are you? A: I am their father's aunt. They are my sister's grand-children.
- Q: Well how did they happen to come to your house last fall? A: There was a lady went through here and she knowed us and they knowed we had some relations in the states and when she found them she brought them down to see their grandmother.
- Q: What was her name? A: Mrs. Renty.
- Q: What is her full name? A: Her full name is Jennie Renty.
- Q: Does she live here? A: No sir, not now, she did live here at the time.
- Q: Is she a colored woman? A: Yes sir.
- Q: Not a citizen? A: No sir.
- Q: Is this correct; were you informed by these applicants and by other persons that they were the children of a person who was a citizen of the Creek Nation? A: Yes sir.
- Q: Who were you told was their father? A: Buck Red was their father.

- Q: Did you ever hear him called anything else? A: No sir. Not here at home, he never was called anything but Jack Red.
- Q: Did you ever hear that he was called anything else besides Jack Red? A: No sir, not here they didn't call him anything else, but I don't know what they called him when he went away from home, but he was known as Jack Red here.
- Q: How old was Jack Red when he left the territory?
- A: Indeed, I can't tell you.
- Q: Was he born before the war? A: Yes sir. He was a man during the war.
- Q: Jack Red was a man during the war? A: Yes sir.
- Q: How old a man was he during the war? A: I don't know but he was a man grown.
- Q: Was he ever called anything while you knew him here in the territory besides Jack Red? A: No sir.
- Q: Do you know whether he was a citizen of the Creek Nation?
- A: Certainly I do.
- Q: How do you know it? A: We was all born right here and our mother's were sisters that is, my mother's mistress and his mother's mistress was the same.
- Q: How soon after the war did he leave the territory?
- A: Well now, I just can't tell you how long after the war, that is more than I can tell you, I didn't keep any account I can't read or don't know any date or nothing, I just couldn't tell you.
- Q: What is the name of Jack Red's father? A: His name was Red Colonel.
- Q: Was he a citizen of the Creek Nation? A: Yes sir.
- Q: What was the name of Jack Red's mother? A: Lydia Robbins.
- Q: Was she a citizen of the Creek nation? A: Yes sir.
- Q: Was Jack Red ever recognized as a citizen by the Creek authorities? A: Yes, I suppose his name is here.
- Q: Did he ever receive any money as a Creek Citizen?
- A: I suppose he did.
- Q: Do you know whether he did or not? A: I am pretty sure that he did.
- Q: Did you ever hear that he received any money? A: No sir but I know that my sister has and I suppose if she did he received money too.
- Q: Your sister Lydia Robbins? A: Yes sir.

Questions by Robert A. Moore, attorney for applicant:

- Q: Did you know Jack Red when he was a boy? A: Yes sir.
- Q: You say that Lydia Robbins was your sister? A: Yes sir.
- Q: After Jack Red left the Indian Territory, did you ever have any conversation with Lydia Robbins in reference to him?
- A: Yes sir.
- Q: Did Lydia Robbins to your knowledge know where Jack Red was?
- A: Not to my knowing.
- Q: Did you ever know of her having heard from Jack Red?
- A: No sir.
- Q: Do you know of her ever having heard from Jack Red's wife?
- A: When the pictures were sent to her, of these children and her picture was sent to her, that is all I ever knew of her having heard from her.
- Q: Was Jack Red living at that time? A: Yes sir.
- Q: That is the first knowledge you ever had, is it? A: Yes sir, after that I lost track of him.

- Q: Did you ever see the picture that was purported to be the picture of Jack Red's children? A: Yes sir.
- Q: How long ago was that? A: I am going to make a rough guess I think it has been about 18 years ago. I won't say for certain.
- Q: How many children were in that picture at that time? A: I think 4.
- Q: Have you seen this picture recently? A: No sir, I have not.
- Q: What picture do you mean? A: I saw the children and their mother on the picture I mean.
- Q: That was the picture sent to Lydia Robbins? A: Yes sir.
- Q: I will ask you if that is a counterpart of the picture in the possession of Lydia Robbins? A: Yes sir. That is the same picture.
- Q: You recognize that as the picture of the children who you understood at that time were Jack Red's children? A: Yes sir.
- Q: I will ask you if you recognize that picture as being anyone whom you know or ever did know? A: That looks like Jack Red himself.
- Q: Have you ever seen a picture of Jack Red? A: Yes sir, it was enlarged though.
- Q: Who had it? A: His mother, Lydia Robbins. That is one he had taken before he left here, I am not certain whether he had any taken after he left here or not. He had one taken in Denison.
- Q: Did you ever know the names of these three applicants here, these three boys ever having been enrolled? A: Yes sir. She told me she had the names down.
- Q: Who told you? A: My sister Lydia Robbins.
- Q: When was that? A: That has been so long I couldn't tell you when she had the names enrolled but she always told me the children's names were down and she said some day or other, some day they may come.
- Q: She always expected them? A: Yes sir.
- Q: And yet didn't know where they were? A: No sir.

Commissioner objects to hearsay evidence)

Questions by Robert A. Moore, attorney for applicant, continued.

- Q: The fact of Lydia Robbins being dead, this evidence is introduced for what it is worth.
- Q: Did Lydia Robbins tell you how much money she drew for these boys? A: No sir, I don't know.
- Q: Did she tell you that she drew money for them? A: Yes sir.
- Q: Did she tell you what she did with the money? A: There is one man, she told him that she bought some clothing and sent to the children and the other money she kept and brought the father's body here, that is what she told him.
- Q: Lydia Robbins to your knowledge always recognized the fact that she had these grand-children living? A: Yes sir.
- Q: And as far as you know she took every precaution to have them enrolled? A: Yes sir, she certainly did.

Questions by John G. Lieber, attorney for Creek Nation,
acting for M. L. Mott.

- Q: Do you know whether Jack Red was married when he left here?
A: To someone here? yes sir.
Q: Who was his wife at that time? A: His wife was, her name was Tina Hawkins.
Q: How long had he been living with her as his wife at the time he left here? A: I couldn't tell you, when I came from Kansas, they wasn't living near by me and I couldn't tell you.
Q: Well how long do you know of him living with Tina as his wife? A: He lived with Tina some couple of years after I came here before he went off.
Q: Did they have any children? A: Just one and it died.
Q: Where did they live Mrs. Taylor? A: Up to the old Agency.
Q: At whose place? A: At his father's place.
Q: He kept Tina there as his wife, at his father's place did he? A: Yes sir.
Q: When Jack left here he left Tina here as his wife? A: Yes sir I think they had separated before he left her.
Q: Well did he take up with any other woman? A: Not as I knew of.
Q: What was the cause of the separation? A: Indeed I couldn't tell you.
Q: How long had they been separated at the time he left here?
A: Why I know he left and went to Denison and didn't take his wife. She didn't say they were separated but he didn't come back any more.
Q: How long did this child live that they had? A: Oh it didn't live no time.
Q: A few weeks or a month or year or how long?
A: No sir, it didn't live a year it might have been a few days I can't remember.

Questions by Robert A. Moore, attorney for applicant:

- Q: I will ask you if it was not the custom during these days in the Creek Nation for a man to live with first one woman and then another and not marry them? A: It was a custom.
Q: It is not the exception to the rule? As a matter of fact isn't it the way Jack was living with this woman here?
A: No sir, he married this woman.
Q: How did he marry her? A: By matrimony.
Q: Were you present? A: No sir.
Q: You only heard that he was married? A: Yes sir.
Q: You don't know of your own knowledge that he married her you simply heard that? A: Yes sir.
Q: Wasn't Jack when he was a young man inclined to go around with a good many women? A: Yes sir, he did.
Q: So when you say he married this woman you are speaking without knowing absolutely? A: I wasn't present but I heard he married the girl.
Q: You know he lived with her at different times?
A: He lived with her all right until he went from here.
Q: You say they separated? A: Yes sir.
Q: Where is she living now? A: Checotah.
Q: Has she been married since? A: Yes sir, she had been married.

Q: How long after Jack left did she marry, do you know?

A: I couldn't tell you just how long.

Q: Was it a very long time? A: Yes it was a good while after he went away.

Q: You knew that his reputation as to morality, that is, going with other women was bad? A: Yes sir it was.

Questions by Commissioner:

Q: Were Jack and Tina recognized as man and wife by the people in the community? A: By his people and her people too.

Q: Did he live with her in the same house? A: Yes sir

Q: They lived continuously together and moved in and moved out for a certain space of time? A: Yes sir, they did.

Q: Was he living with any other woman at the same time he was living with Tina? A: Not as I know of.

Q: Did you ever hear that he was? A: No sir.

Q: Did he support Tina? A: Yes sir.

Q: How long did he support her if you know? A: I can't tell you that but I know he was living with her in the same house and I suppose he was supporting her.

Q: Who else was living in the same house with him and Tina?

A: I don't know as anybody else was living with them.

Q: You say they lived in the same house? A: Yes sir.

Q: He treated her as if he was her husband? A: Certainly.

Questions by Robert A. Moore, attorney for applicant:

Q: It might have been possible that this woman was working there, might it not? A: This Tina, no sir.

Q: When you say he treated her as his wife what do you mean?

A: Why he lived with her and took care of her.

Q: Might he not have done that if she was not his wife?

A: He might have.

Q: You don't know that he was married to this woman then, do you? A: I wasn't there at the time but his mother recognized this girl as Jack's wife.

Counsel for applicant objects to the evidence touching on the previous marriage of Jack Red as it is hearsay and contradictory to the statement of Jack Red at the time he married Belle Bowles, in which affidavit made at that time he said that he was single and unmarried)

Questions by J. G. Lieber, acting for M. L. Mett, attorney for Creek Nation:

Q: Mrs. Taylor, you say when Jack left here and went to Texas he left Tina here? A: Yes sir.

Q: Do you know why he went to Texas Mrs. Taylor? A: No sir.

Q: Did he ever return here to the Creek Nation after he went to Texas? A: Yes sir he did.

Q: What did he come back here for? A: Well, I couldn't tell you what he came for.

Q: How long did he stay in the Creek Nation after he had gone down to Texas? A: I couldn't tell you how long he stayed, I never kept any account of it they just said Jack was here and I just saw him once after he came back and I didn't see him any more.

Q: He left this country because of some trouble he got into in Texas, did he? A: Yes sir.

Questions by Robert A. Moore, attorney for applicant:

Q: You say you only saw him once after he returned from Texas?
A: Yes sir.

Eugene Red, being first duly sworn, testified as follows:

Questions by Commissioner:-

Q: What is your name? A: Eugene Red.
Q: How old are you Eugene? A: 25.
Q: What is your post-office address? A: Kansas City.
Q: What is your street number in Kansas City? A: 224 Baltimore.
Q: You are an applicant for enrollment are you, as a freedman of the Creek Nation? A: Yes sir.
Q: What is the name of your father? A: Jack Red.
Q: Was he known by any other name? A: He was known by John Johnson.
Q: Do you remember your father? A: No sir, I don't.
Q: Do you remember of living in Colorado? A: Yes sir.
Q: Were you born in Colorado? A: Yes sir.
Q: How old were you when you left Colorado? A: I don't know just how old I was.
Q: Wasn't your father living when you left Colorado? A: Yes sir.
Q: Was your father and mother living together at the time she left Colorado? A: Yes sir.
Q: Did he leave Colorado with her? A: No sir.
Q: You are sure they were living together when you left Colorado? A: Yes sir.
Q: Don't you remember your father? A: No sir, I don't hardly remember him.
Q: How long have you lived in Missouri? A: I don't know how long.
Q: Were you ever in Muskogee before today? A: Yes sir.
Q: When? A: The 5th. of March when I left here last March past.
Q: When did you come here before? A: I came here in September.
Q: Last year? A: Yes sir.
Q: What was your purpose in coming down here last September?
A: I just came to visit my grand other.
Q: Had you ever met your grand-mother before that time?
A: Yes sir.
Q: You had met your grand-mother before that time, before September had you? A: Yes sir.
Q: Where had you met her? A: Here in Muskogee, I had been here before.
Q: When were you down here before last September? A: I couldn't tell you exactly what time it was.

- Q: Was it a few months before? A: It was a year before.
Q: What did you come down here for a year before?
A: I came down to see her.
Q: Had you met her before that time? A: No sir, I had not.
Q: How did you know you had a grand-mother down here? A: My mother told me I had a grand-mother down here.
Q: Do you know how your mother found that out?
A: From her husband.
Q: You say you don't remember your father? A: No sir, I don't
Q: Don't you remember or do you remember of him ever claiming to be a citizen of the Creek Nation? A: Yes sir
Q: If you don't remember your father, how do you remember that he claimed to be that? A: My mother told me that he claimed to be a citizen of the Creek Nation.
Q: You remember only what your mother told you about that?
A: Yes sir.
Q: Since you have lived in Missouri you have earned your own living for the most of the time, have you? A: Yes sir.
Q: You have a business or occupation there now have you?
A: Yes sir.
Q: You are earning your living there are you? A: Yes sir.
Q: You came down here the first time you came down for what purpose; to see your grand-mother? A: Yes sir.
Q: You went to visit her is that it? A: Yes sir.
Q: The second time what was your purpose in coming?
A: I came to see her.
Q: Did you come to visit her on that occasion? A: Yes sir
Q: What is your purpose in coming today? A: Well I came to see about my claim.
Q: About your claim to rights here? A: Yes sir.
Q: Do you know anything about whether you have been enrolled as a citizen of the Creek Nation? A: Yes sir, my grand-mother told me during the time I was down here.
Q: Your grand-mother told you? A: Yes sir.
Q: That is all you know about it, what has been told you?
A: Yes sir.
Q: You have a brother called Jim Red? A: Yes sir.
Q: Is he a resident of Missouri? A: Yes sir.
Q: Is he earning his living there? A: Yes sir.
Q: You have a brother called Jerry Red, have you? A: Yes sir
Q: You sometimes go by another name, do you? A: Yes sir.
Q: You are sometimes called Louis, is that correct? A: Yes sir.

Questions by John G. Lieber, acting for M. L. Mott, attorney for Creek Nation.

Questions by Robert A. Moore, attorney for applicant:

- Q: Do you know how old you were when your father died Eugene?
A: No sir, I don't.
Q: When was it you moved from Colorado Springs to Missouri?
A: I don't know what year it was.
Q: Did your mother ever tell you anything during your boyhood as to you being a citizen of the Creek Nation? A: Yes sir.
Q: What did she tell you? A: She told me that we was citizens of the Creek Nation.
Q: Did she ever tell you anything in relation to your father's life? Did she ever tell you anything about your father?
A: No, only she said he was in Colorado and she wanted to go back to him.
Q: Did she ever say anything about your father being a citizen of the Creek Nation? A: Yes sir.

- Q: Did she ever tell you anything about your grand-mother?
A: Yes sir.
Q: Where did she say your grand-mother lived? A: In Muskogee.
Q: Did your mother ever write to your grand-mother do you know? A: Yes sir, they corresponded together.
Q: When you first came to Muskogee, Eugene why did you come?
A: I came to see her.
Q: Did you know at that time anything about your rights in relation to being a member of the Creek Nation? A: Not the first time I didn't.
Q: When was the first time you heard that? A: Well I don't know exactly.
Q: When was the first time your grand-mother told you anything about it? A: In September when I was down here.
Q: What did your grand-mother tell you at that time?
A: Well she said we ought to look up our rights and see what we could do about it.
Q: Did she say anything to you about having put your name on the roll? A: Yes sir, she said she had our names on the roll.
Q: Did she ever say anything to you about having drawn money?
A: Yes sir.
Q: What did she say? A: She said she drew \$29.
Q: \$29? A: Yes sir.
Q: What did she say she did with that? A: She said she sent it for father during the time he was dead.
Q: Your grand-mother is dead now, is she not? A: Yes sir.
Q: When you came to Muskogee last fall how long did you stay here? A: I stayed until April.
Q: Did you work here during that time? A: I couldn't get any work to do here.
Q: Had you remained in Muskogee could you have gotten work?
A: Yes sir.
Q: Was it your intention to stay if you could have gotten work?
A: Yes sir.
Q: What kind of work do you do? A: Cooking.
Q: Are you a good cook? A: Yes sir.
Q: How long have you worked at your trade in Kansas City?
A: About 5 years.
Q: In what families have you worked in Kansas City?
A: Major Warner.
Q: Is he the only one you ever worked for? A: For J. K. Burnham.
Q: Are they wealthy people? A: Yes sir.
Q: Did they pay you good wages? A: Yes sir.
Q: Could you get that class of work if you remained in Muskogee or do you know? A: No sir.
Q: Have you tried to get work here as a cook? A: Yes sir.
Q: Did you succeed? A: No sir, I didn't.
Q: Your residence then in Missouri is for what purpose, why do you live there? A: Because I can make a living there.

Questions by John G. Lieber, attorney for Creek Nation, acting in the absence of M.L. Mett, national attorney for Creek Nation.

- Q: Eugene you say you were here before last September? A: Yes sir, I came down on an excursion before that.
Q: How long did you stay here Eugene that first time? A: 2 weeks.

- Q: That was the first time you came? A: Yes sir.
Q: You didn't come with the intention of staying did you?
A: Yes sir.
Q: What did you come down on the excursion then for? A: I came down because it was cheap rate.
Q: Did you buy a round trip ticket? A: No sir.
Q: You stated you stayed here about 2 weeks that time?
A: Yes sir.
Q: What did you do while you were here? A: I didn't do anything while I was here.
Q: Did you go to see your grand-mother? A: Yes sir, I lived with her while I was here.
Q: What did you say your age was at this time? A: 25 years
Q: This last September is the first time you ever saw your grand-mother? A: Yes sir.
Q: That is the first time you were ever in the Creek Nation was it? A: I was here year before last September.
Q: And at that time you were 23 years old? A: Yes sir.

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Questions by Robert A. Morre, attorney for ~~Creek Nation~~.

- Q: Did you rely entirely upon your grand-mother for your information in regard to your citizenship here? A: Yes sir.
Q: She was the only one you thought knew about this?
A: Yes sir.
Q: Did you follow out the instructions your grand-mother gave you? A: Yes sir, I did.

Jerry Red, being first duly sworn testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Jerry Red.
Q: Are you ever known by any other name? A: I was known by the name of Jerry Jackson.
Q: How old are you? A: 21.
Q: What is your post-office address? A: Kansas City.
Q: What is your street number? A: 3025 Forest Avenue.
Q: Where were you born? A: Colorado Springs.
Q: How long did you live there after your birth?
A: I don't know how long I lived there.
Q: Where did you move to from Colorado? A: To Kirkwood, Mo.
Q: Have you lived in Missouri from the time you moved there to the present time continuously? I mean until you came to the territory? A: No sir.
Q: How long have you lived in Missouri? A: I don't know how long I have lived there.
Q: Is this your first visit to Muskogee? A: My third I think
Q: What year did you make your first visit? A: Year before last September I came on a visit to see my grand-mother.
Q: Did you come on an excursion? A: Yes sir. I got in on Sunday morning and went out Sunday night.
Q: When was the second time? A: Last September.

- Q: How long did you stay then? A: 10 weeks.
- Q: What were you doing here then? A: Visiting my grand-mother.
- Q: The name of your grand-mother is what? A: Lydia Robbins.
- Q: Were you living with her at her house? A: Yes sir.
- Q: Were you working here at that time? A: No sir, I couldn't get any work here at the work I could do.
- Q: What is your occupation? A: Seeking.
- Q: That is what you are doing in Kansas City, is it? A: Yes sir.
- Q: You just came up here yesterday or today, did you?
- A: I got here this morning.
- Q: Did you come this time for the purpose of testifying in your case? A: Yes sir.
- Q: What do you know about your alleged citizenship rights as a Creek? A: My father was a citizen of Muskogee here.
- Q: Was a citizen of Muskogee? A: Yes sir I am the youngest child and I suppose that would make me a citizen.
- Q: You were quite young when you left Colorado, were you?
- A: Yes sir.
- Q: You left your father in Colorado, did you? A: Yes sir.
- Q: Do you remember your father? A: No sir.
- Q: You never heard him say anything then about his citizenship rights? A: I don't know whether I heard it or not, I was too small to remember.
- Q: When did you first hear you had any rights down here?
- A: This last September when I came to visit my grand-mother.
- Q: You never heard that you had any rights down there then?
- A: My mother told me when I was small, ever since I can remember it that I had rights here in the territory.
- Q: Did she say what sort of rights you had? A: She said I was a citizen of Muskogee here and that I was supposed to get some land here, being a citizen.
- Q: All you know about your alleged rights as a citizen here is derived from what has been told you, is that correct?
- A: Yes sir.

Questions by Robert A. Moore, attorney for applicant:

- Q: When did your mother first tell you about your father being a citizen in the Creek Nation. A: I don't know exactly I was real small when she told me, I don't know just how long ago.
- Q: Did your mother tell you of any action you would have to take? A: No sir.
- Q: When was the first time you heard that there was a necessity for you to take some action to guarantee your rights?
- A: Last September. That was the second time I visited my grand-mother.
- Q: Who did you hear that from? A: My grand-mother, Lydia Robbins.
- Q: What did she tell you at that time? A: That my father was a citizen of Muskogee and that he was on the roll and that I ought to look after my rights.
- Q: What did she tell to do? A: To come to the Dawes Commission and tell them I was a citizen of Muskogee.
- Q: Did your grand-mother tell you at that time she had taken

any steps to secure any rights for you? A: She told me my name was enrolled and she drew the payment for us.

Q: Did she tell you at that time what constituted enrollment?

A: No sir.

Q: Did she tell you what she did when you were enrolled?

A: No sir.

Q: Did she say she had ever drawn any money in your behalf?

A: Yes sir.

Q: Did she tell you when she drew this money? A: She drew it at my father's death.

Q: What if you know became of that money? A: Used to bring his body here from Colorado to Muskogee.

Q: Have you any other relations in Muskogee? A: Yes sir.

Q: What relations? A: Some cousins and Aunts and great aunts and great uncles.

Q: Are you acquainted with all of them? A: I think I am acquainted with about all of them.

Q: From whom did you get your information that you had relatives here? A: From Lydia Robbins.

Q: Did you mother ever tell you about anybody but Lydia Robbins? A: She told me about some uncles I had there. Warrior Rentie and Island Rentie.

Q: When you were living away from the territory how did you secure information which led you to come down here? A: I found this woman that married one of my uncles and she said she knew where my people lived, that is why I came.

Q: Did your brother get the same information at the same time?

A: Yes sir.

Q: Did you act upon that information when you came down here?

A: Yes sir.

Q: After your grand-mother told you what was necessary to be done, did you do it? A: Yes sir.

Q: You came to the Dawes Commission? A: Yes sir.

Q: Now did you intend at the time you came to Muskogee and after you had a talk with your grand-mother to live in Muskogee? A: Yes sir.

Q: Q: How long a time did you think it would take for you to secure whatever rights were due you here?

A: I didn't know, I thought 6 months or 9 months or something like that.

Q: Were you acting on that belief when you remained in Muskogee as long as you did? A: Yes sir.

Q: Were you able to secure employment in Muskogee? A: No sir.

Q: Did you try to secure employment? A: Yes sir.

Q: What kind of cook are you? A: First class all round cook.

Q: Do you cook in private families? A: Yes sir.

Q: Have you been able to secure the kind of employment you desire in Kansas City? A: Yes sir.

Q: Could you secure that kind of employment here? A: No sir.

Q: Where do you work in Kansas City? A: For Dr. McCormell.

Q: For how long a time have you worked for him? A: I think nearly 3 years.

Q: When you came down to Muskogee this time did you come down through any information received from the Dawes Commission?

A: Yes sir.

Q: What was the nature of that information? A: That I was to appear before the Dawes Commission the 10th. of this month.

- Q: If you should be successful in securing your rights, what you consider your rights in the Indian Territory, is it your intention to reside here? A: Yes sir.

Questions by Commissioner:

- Q: When you came down here the first time did your brother come down with you? A: Yes sir.
Q: Did Eugene come down with you? A: Yes sir.
Q: On that trip you stayed only one day I believe? A: I went back the same night, got in here on Sunday morning and went back at night.
Q: Did Eugene go back with you? A: Yes sir, Eugene went back with me.
Q: Did your other brother Jim, go back with you? A: No sir.
Q: Jim stayed here did he? A: Yes sir.

Questions by J. G. Lieber attorney for Creek Nation, acting for M. L. Mett, National attorney.

- Q: Now you say that if you are placed on the final roll and permitted to take land here in the Creek Nation you intend to reside here? A: Yes sir.
Q: If you don't get on the final roll and don't get any land then it is not your intention to reside here is it?
A: If I can get the kind of work I can do, I will stay here.
Q: You say you are 21 years old? A: Yes sir.
Q: When will you be 22? A: The 8th. of February.
Q: The 8th. of next February? A: Yes sir.
Q: The first time you came down here was a year ago last September, was it? A: Yes sir.
Q: You didn't come then with the intention of staying did you?
A: No sir, I came to visit my people then.
Q: Just simply came for one day on an excursion? A: Yes sir.
Q: And that was on Sunday? A: Yes sir.
Q: You were then living in Kansas City? A: Yes sir.
Q: Now you were told at that time what you had to do in order to obtain your rights in the Creek Nation? A: No sir, not until the second time when I came.
Q: You knew the first time you came down here that you had rights in the Creek Nation, did you not? A: Yes sir.
Q: In fact, your mother had told you when you were quite small that you had rights here in the Creek Nation, didn't she?
A: Yes sir.
Q: Now the second time you came down here was last March was it? A: Last September.
Q: How long did you stay at that time? A: I stayed 10 weeks.
Q: Whom were you working for when you came down here?
A: Doctor McCornell.
Q: Whom did you go to work for after you went back?
A: Doctor McCornell.
Q: Did you work for anybody while you were down here last September? A: No sir.
Q: Where did you stay? A: At Lydia Robbins.
Q: You didn't come down here that time with the intention of remaining, did you? A: Yes, if I could get work to do.
Q: Now you don't mean to tell me that during the ten weeks time you were down here last September that you couldn't get any work to do at all? A: I couldn't get the kind of work I do.
Q: Do you do anything else besides cook? A: No sir.

- Q: Who did you ask for employment? A: I don't know of any special person that I asked, I didn't know the people, there were several people on the streets, I asked.
- Q: You didn't make any effort to go out and pick out any land, did you? A: No sir.
- Q: In fact you came down here for the purpose of establishing what you considered to be a residence here in the Creek Nation and then return to Kansas City, didn't you?
- A: No sir.
- Q: What property did you have in Kansas City when you left there and came down here last September? A: I didn't have any there.
- Q: Did you have any money in the bank? A: No sir.
- Q: Did you consider yourself a resident of the Creek Nation at that time? A: Yes sir.
- Q: You were 21 years old last February? A: Yes sir.
- Q: Have you ever voted in your life? A: No sir.
- Q: Not for any officers? A: No sir.
- Q: You could have gotten employment at some wages, could you not? A: I wasn't able to get any.

Questions by Robert A. Moore, attorney for applicants.

- Q: You have relied on Lydia Robbins at all time since you first knew her to look after your interests? A: Yes sir.
- Q: Did you suppose your interests had been looked up by her?
- A: I didn't know whether it had or not.
- Q: Did you follow her advice whatever she gave you?
- A: Yes sir.
- Q: When you were here in September, you were perfectly welcome at her home? A: Yes sir.
- Q: Lydia Robbins had some property had she? A: Yes sir.
- Q: Q: So you did not feel that you were imposing on anybody by living with her? A: No sir.

Eugene Red, recalled, testified as follows:

Questions by Robert A. Moore, attorney for applicant:

- Q: Eugene ^{is} you were successful in establishing your rights as a member of the Creek Nation, is it your intention to live in Muskogee? A: yes sir.
- Q: If you had been able to secure employment when you first came to Muskogee, was it your intention to live here at that time? A: Yes sir, it was.
- Q: Did you make any attempt to secure employment?
- A: Yes sir.
- Q: When you came to Muskogee, was that the first information you had relative to your rights here? A: Yes sir, it was.
- Q: Did you follow the advice of your grand-mother in relation to your making application to the Dawes Commission?
- A: Yes sir.
- Q: What did your grand-mother tell you at that time that it was necessary to do? A: Well she said it would be best to see the Dawes Commission and find out if my name was on the roll or not.

- Q: Did you come to the Dawes Commission? A: Yes sir.
Q: Up to the time of the death of your grand-mother did you rely upon your grand-mother giving you the information she could? A: Yes sir.
Q: Did you believe that your grand-mother had all the information that anybody could give you? A: Yes sir.

Questions by John G. Lieber, acting for M. L. Mott, attorney for Creek Nation.

- Q: When did you first learn that you had rights in the Creek Nation? A: After I came here and she told me about it.
Q: Well now your mother had told you long before that that you had rights down here, hadn't she? A: Yes, she told me she had rights but she had lost tract of grand-mother and didn't know where she was.
Q: When you say you didn't hear you had any rights here until the first time you came down here, you are mistaken are you not? A: Yes sir.
Q: You had heard you had rights here when you were quite small did you not? A: Yes sir, she spoke about it once or twice she told me.
Q: You never made any effort to establish your rights in the Creek Nation until you came down here last September a year ago, did you? A: No sir.
Q: At that time you were 23 years old? A: Yes sir.

Questions by Robert A. Moore, attorney for applicants:

- Q: At the time your mother told you that you were a member of the Creek Nation, did she not also tell you that your father was a member of the Creek Nation? A: Yes sir.
Q: Q: Did your mother know at that time, to your knowledge what was necessary for you to do? A: No sir, she did not.
Q: Did you ever know there was any ~~was~~ action necessary for you to take until you had seen your grand-mother? No sir.
Q: Then as a matter of fact the only information you had from your mother was that your father was a member of the Creek Nation? A: Yes sir.
Q: And until last summer you didn't know that there was any action necessary to be taken? A: No sir.

This is all the testimony that was taken in said cause.

I, Julia C. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Subscribed and sworn to before me this 30 day of August, 1906.

Julia C. Laval.
Edward M. Morris.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jim Red, Jerry Red, Lewis (or Eugene) Red and John Red as Creek freedmen.

D E C I S I O N.

The record in this case shows that on October 17, 1905, one Lydia Robbins appeared at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, and testified "in the matter of the alleged application for the enrollment of Jim Red, Lewis Red, Jerry Red, Eugene Red and John Red as Creek freedmen." Further proceedings were had in said matter on October 31, November 9 and November 16, 1905. Further proceedings were had in this case July 19, July 20 and August 10, 1906. A certified copy of the marriage certificate of John Jackson and Miss Bell Bowles is attached to and made a part of the record herein.

Although the original application herein was not made within the time designated by the Secretary of the Interior, under the authority in him vested by the provisions of the Act of Congress approved March 3, 1901 (31 Stats., L. 1010), jurisdiction to consider the same was given this office and the Department by the provisions of Section 1 of the Act of Congress approved April 26, 1906 (34 Stats., L. 137).

It appears from the evidence and from the records in the possession of this office that the persons applicant in this case are four in number, viz. Jim Red (or Jim Jackson), Jerry Red (or Jerry Jackson), Lewis (or Eugene) Red (or Jackson) and John Red (or John Jackson) deceased; that the parents of said applicants were John Red (alias John Jackson), identified under the name of Jack Red on the 1890 authenticated tribal roll of the Creek Nation, page sixty six, Canadian colored town and Belle Jackson (or Bell Bowles), a citizen of the United States.

The name of the father of said applicants being identified upon the tribal rolls of the Creek Nation as Jack Red, further reference to the applicants herein will be made

under the surname of Red.

It further appears from the evidence and from the records of this office that said Lewis Red, Jim Red and Jerry Red are identified upon the 1891 omitted roll of the Creek Nation, opposite numbers 534, 535 and 536 respectively as members of Canadian colored town.

The evidence shows that said Jack Red, the father of said applicants, died February 17, 1892; that said John Red died November 18, 1893; that said Jim Red, Jerry Red and Lewis (or Eugene Red) were living on the date of the last proceedings herein; that all of said applicants were born in the state of Colorado and have never removed to and in good faith established their residence in the Indian Territory, and the weight of the evidence shows that all of said applicants were twenty one years of age and over as of July 19, 1906.

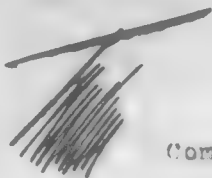
Section 29 of the Act of Congress approved March 1, 1901 (31 Stats., 861) provides as follows:

"Said Commission shall have authority to enroll as Creek citizens certain fullblood Creek Indians now residing in the Cherokee Nation, and also certain fullblood Creek Indians now residing in the Creek Nation who have recently removed there from the State of Texas, and families of fullblood Greeks who now reside in Texas, and such other recognized citizens found on the Creek rolls as might, by reason of nonresidence, be excluded from enrollment by section twenty one of said act of Congress approved June twenty-eighth, eighteen hundred and ninety eight: Provided, That such nonresidents shall in good faith, remove to the Creek Nation before said Commission shall complete the rolls of Creek citizens as aforesaid."

The Department under date of June 20, 1906 (I.T.D. 10698-1906), in the matter of the application for the enrollment of Leuvica Tunnell, et al. as citizens of the Creek Nation, ruled that :

"Lowes Henry may be identical with Leuvica Tunnell, the maiden name of Leuvica, principal applicant, but it clearly appears that she was born beyond the limits of the Indian Territory, and though she may have heretofore been entitled to make application for citizenship on account of Indian blood or tribal adoption, she has continuously resided beyond and outside of the jurisdictional limits of the Muskegee Nation for a period of over 21 years, and by section 1 of the act of the Creek National Council approved October 26, 1889 (see Constitution and Laws of the Muskegee Nation, 1890, page 177), she is declared to be an alien, not entitled to citizenship in the Muskegee Nation or to any of the privileges thereof."

In view of the facts in the case as above set out, the provisions of said Section 29 of the Act approved March 1, 1901 (31 Stats. L.861), and the Departmental ruling above referred to, I am of the opinion that Jim Red, Jerry Red and Lewis (or Eugene) Red are not entitled to enrollment as Creek Freedmen, and the application for their enrollment as such is accordingly denied; and that the application of John Red, who died prior to April 1, 1899, should be dismissed, and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

FEB 20 1907

Cr En 987

Muskogee, Indian Territory, December 30, 1905.

Clerk in Charge,

Cherokee Enrollment Division.

Dear Sir:

For use in adjudication in the matter of the alleged application for the enrollment of Jim Red, et al. as citizens of the Creek Nation, you are requested to furnish the Creek Enrollment Division with copies of Departmental rulings and opinions of the Assistant Attorney-General relative to the alleged application for the enrollment of George Tinney as a citizen of the Cherokee Nation.

Respectfully,

Commissioner.

(C O P Y)

D.C. 15063-1906

DEPARTMENT OF THE INTERIOR
WASHINGTON.

J.V.H.
PHE

I.T.D. 8837-1903.

2521-1905

7488-

8322-1906

L R S

April 25, 1906

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In your report of September 19, 1905, you requested that the Department reconsider its approval of the opinion of the Assistant Attorney-General of June 19, 1905, relative to the enrollment of George Tinney as a citizen of the Cherokee Nation.

The papers relating to Tinney's enrollment, together with your report of September 19, 1905, were referred to the Assistant Attorney-General for opinion. April 16, 1906, he rendered an opinion in the matter, which was approved by the Department the same day. A copy of this opinion, in which the Assistant Attorney-General adheres to the views expressed in his opinion of June 19, 1905, is inclosed. By it you will be guided in similar cases.

There is also inclosed a copy of Indian Office letter of October 17, 1905 (Land 77529-05).

Respectfully,

2 inclosures.

(Signed)

THOS RYAN
First Assistant Secretary

I.T.D.
13444-1908

(COPY)
DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL, S.V.P.
WASHINGTON.

April 16, 1908.

The Secretary of the Interior.

Sir:

I am in receipt by reference of October 23, 1905, of the report of the Commissioner to the Five Civilized Tribes in the case of George Tinney. In connection with his report therein the Commissioner recommends reconsideration of departmental approval of my opinion of June 19, 1905, in Tinney's case. The view of the Commissioner is, that all persons, save perhaps those borne on the confirmed roll of 1860, are barred from enrollment in the Cherokee Nation, though recognized citizens borne on some other tribal roll, by force of Section 30 of the act of July 1, 1902 (32 Stat., 721). The Indian Office, October 17, 1905, transmitting this report, expressed the opinion that the commission would not have performed its duty of investigating the rolls until all names on any roll made since removal of the Cherokees to the Territory in 1838 are accounted for. Mr. Tinney's letter, with the report and letter of the Indian Office, is transmitted to me, and my opinion is requested:

Whether the recommendation of the Commissioner to the Five Civilized Tribes, or of the Indian Office, should be approved.

As to Tinney's application the Commissioner reports.

that he is not identified upon any tribal roll of the Cherokee Nation, nor can any record be found of an application for enrollment made by him. He thus appears never to have been recognized as a citizen and never to have applied for such recognition to tribal authority, while that existed, or to the tribunal established by the United States that had authority to admit or recognize and enroll him. Such fact effectually bars any right he may have had, and the merit of his claim, however perfect it may have been, is lost by his failure to present it in proper time.

The diverse views of the Indian Office and the Commissioner to the Five Civilized Tribes arise upon consideration of sections 27 and 30 of the act of July 1, 1902, supra. By sections 25 and 26 the date to which the rolls should relate, and as of which they should be closed, was fixed as September 1, 1902, with direction to place on the rolls all persons then living entitled to be enrolled, and an inhibition, after ratification of that act by the nation, against enrolling children later born and white persons married to citizens after December 16, 1893. Section 27 then provided that the rolls "shall in all other respects be made in strict compliance with" section 21 of the act of June 23, 1893 (30 Stat., 495, 502), and the act of May 31, 1900 (31 Stat., 221, 236), thus incorporating those provisions into the act, except as modified by sections 25 and 26. This made section 27 read, in substance and effect:

27. That in making rolls of citizenship the Commission is authorized and directed to take the roll of Cherokee citizens of 1890, not including freedmen, as confirmed, and to enroll all persons living September 1, 1902, whose names are found thereon, and all descendants thereafter born to such persons to and including September 1, 1902; and all persons who have been enrolled by the tribal authorities before June 26, 1896, and prior to

that date made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted; and the Commission shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto and their descendants born since such rolls were made, with such white persons intermarried to Cherokee citizens to and including December 16, 1896, entitled to citizenship under Cherokee laws. (1900) But the Commission shall not receive, consider, or make any record of any application of any person for enrollment as a member of the Cherokee tribe, who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior.

The act then further provides, so far as here material:

Sec. 29 When there shall have been submitted to and approved by the Secretary of the Interior lists of all those lawfully entitled to enrollment the roll shall be deemed complete.

Sec. 30. During the months of September and October (1902) the Commission may receive applications for enrollment of such infant children as may have been born to recognized and enrolled citizens of the Cherokee Nation on or before the first day of September, nineteen hundred and two, but the application of no person whomsoever for enrollment shall be received after October thirty-first, nineteen hundred and two.

The suggestion of the Commissioner, if adopted, would be to ignore what Congress directed in section 27 in order to comply with the letter of the last clause of section 30, read and applied under a purely administrative regulation, or rule that a formal application for enrollment must be made by one seeking inscription upon the Commission's roll.

I am of opinion that no one can read section 27, incorporating into it the provisions of the acts of 1896 and 1900 as modified, without admitting that the Commission must "investigate the right of all other persons whose names are found on any other roll," than that of 1860. That duty arises the moment it anyway appears to the Commission that one claims citizenship in the nation whose name is borne on any tribal roll. Congress has

nowhere required a formal application for enrollment. That is a purely administrative regulation for convenience of administration only, which may excuse the Commission from inspection of other rolls than that of 1880 to ascertain that no name of a person living September 1, 1902, borne on such rolls, is omitted from their roll, but whenever such a person appears and indicates a roll on which he is borne, the duty arises under the law to investigate the case and to ascertain whether his name there appears and was there placed "by fraud or without authority of law." to hold otherwise is to write into, or read into, the law something not enacted by Congress and, in addition to what it has enacted, imposing upon the citizen a duty and a vigilance that Congress has not imposed. Administrative regulations are for effectuating a law and convenience in its administration, and can not amend or change its substantial requirements by imposing conditions not imposed by the act. Horrible v Jones (106 U.S., 466)

It is evident from the report of the Commissioner that this duty will nowise prevent or defeat the intention of Congress by postponing the completion of the roll. He states that "the number of such persons, if indeed there are any, is very small." There is in the statute nowhere expressed an intent to deprive any enrolled Cherokee citizen of rights in the nation and distributive share of the common property by his failure by any particular date to make formal application for inscription on the roll to be prepared by the Commission. I am therefore of opinion that such enrolled person is not barred, if, at any time before completion of the roll, he calls attention of the Commission to his being on a roll indicated, and asks a hearing upon his right,

and that no reason exists for reconsideration of said action of the Department. This, however, does not make it necessary for the Commission to inspect and carefully check out all the names appearing on every Cherokee roll back to 1838 and to enroll such persons who are not found to be dead or to have become expatriated. Many without doubt have died and others have become expatriated whose very names are forgotten to most living citizens, so that they can not, in words of the Indian Office, be "accounted for." This would be to require the filling of the roll of the Commission with names of many persons no longer Cherokee citizens who can not be "accounted for". Proceeding from the roll of 1880 as its basis, it is sufficient if the Commission hear the claim to enrollment of such persons as demand it, whose names appear upon some other tribal roll.

Very respectfully,

(Signed) Frank L. Campbell
Assistant Attorney-General.

Approved: April 16, 1906.

E. A. Hitchcock
Secretary.

(C O P Y)

LAND

77323-1000

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS.

WASHINGTON,

October 17, 1905

The Honorable,

The secretary of the Interior.

Sir:

Referring to Department letter of June 24, 1905, I.T.D. 7488, transmitting to the Commission to the Five Civilized Tribes a copy of an opinion of the Assistant Attorney General of June 19, 1905, upon a communication of George Tinney, relative to his right to establish before the Commission to the Five Civilized Tribes his right to enrollment as a citizen of the Cherokee Nation, there is enclosed a report from the Commissioner to the Five Civilized Tribes dated September 19, 1905, relative to the same subject and returning Mr. Tinney's communication.

Tinney claims to be a Cherokee by blood, and that the names of his ancestors appear upon the roll of 1852, and that he is a cousin of a duly enrolled citizen.

Mr. Bixby says that Tinney does not claim that his own name appears upon the Cherokee tribal roll, or that he attempted to establish his right to enrollment prior to the time fixed by the Cherokee Agreement for the closing of the Cherokee roll, and that his name is not found upon any tribal roll of the Cherokee Nation in his possession, nor can any record be found of an application for enrollment made by him.

May 13, 1905, Land 30766, the Office in transmitting
the communication of George Tinney, said:

As the Commission's records do not show that George Tinney applied for enrollment on or before October 31, 1902, he is not entitled to enrollment unless his name appears upon the 1880 Roll or some other tribal roll of the Cherokee Nation. If his name appears upon the 1880 roll it is unquestionably the duty of the Commission to enroll him unless the nation or party challenging his right to enrollment shows conclusively that he has expatriated his citizenship. If his name appears upon any other tribal roll of the Cherokee Nation he is likewise entitled to enrollment, except in the events mentioned, unless the person challenging his right to enrollment or the nation, if it challenges his right to enrollment, show conclusively that his name appears upon such tribal roll by fraud or without authority of law.

I respectfully recommend that the Commission to the Five Civilized Tribes be directed to examine the different rolls of the Cherokee Nation on file with it, and to report whether the name of George Tinney is found upon any of them.

The Department referred the subject to the Assistant Attorney General for an opinion:

As to whether persons claiming Cherokee citizenship, whose names appear upon the tribal rolls, particularly that of 1880, are now barred from enrollment under Section 30 of said Act of July 1, 1902, which reads as follows:

During the months of September and October, in the year nineteen hundred and two, the Commission to the Five Civilized Tribes may receive applications for enrollment of such infant children as may have been born to recognized and enrolled citizens of the Cherokee Nation on or before the first day of September nineteen hundred and two, but the application of no person whomsoever for enrollment shall be received after the thirty-first day of October, nineteen hundred and two.

"If they failed to make application for enrollment within the time limit prescribed thereby."

.. .. .

Mr. Tinney's letters of November 1, 1903, January 15, 1904, and March 12, 1905, are also inclosed herewith. In connection with Mr. Tinney's claim your opinion is requested

as to whether under the law relating to this matter the recommendation of the Indian Office should be followed.

June 19, 1906, the Assistant Attorney-General rendered an opinion, which was approved by the Department the same day, in which he says:

As the roll of 1880 is confirmed, those on that roll living and not shown to have become expatriated are by force of these acts enrolled citizens of the Cherokee Nation. No application for enrollment is necessary. If the attention of the Commission is in any manner called to the fact that they have omitted to enroll a living person whose name appears on the roll confirmed by Congress, it is their duty to correct such error, and to inscribe such name on the roll made by them, if it is not shown that such person has in some manner lost or forfeited his citizenship. The provision of Section 30 of the Act of 1902, above quoted in the letter of reference, has no application to such cases, but applies to persons whose names do not appear upon the confirmed roll who are called upon to establish their right by proof other than the roll itself, otherwise the provisions of the Act are brought into conflict with themselves.

It is here proper to note that nothing in the papers accompanying the reference shows that Tinney's name is found upon the 1880 roll, nor yet does he assert that his name appears on any of the rolls. The only statements of any one's enrollment asserted by Mr. Tinney are that: 'You will find the names of my ancestors on the roll of 1852, and that 'an enrolled person is my first cousin.' He does not assert that he was born to Cherokee allegiance or that he has ever lived in the nation. Accepting everything stated by him to be true, there is nothing to show that any error was made by the Commission in refusing to consider his case.

The letter of reference directs my attention to my opinion of March 22, 1904, in case of Esau Wolf. Esau Wolf claimed to be a Chickasaw citizen. The Commission to the Five Civilized Tribes, January 24, 1903, in case of Bettie Lewis, reported that prior to June 10, 1896, there were no rolls of the Choctaw and Chickasaw tribes so authenticated as to be confirmed by the Act of June 10, 1896. Nothing said in that opinion, which considered provisions of law applicable only to the Choctaw and Chickasaw Nations, can apply to a case under the widely different provisions of law applicable in the Cherokee Nation, and wherein the right to enrollment is based upon the fact that the applicant name appears upon the confirmed Cherokee roll of 1880, nor yet to a case wherein the claim is based upon some other Cherokee tribal roll.

My attention is also directed to Departmental letter of August 3, 1905, relative to closing of the Creek Roll, and I find nothing therein inconsistent with the views herein expressed.

I am of opinion, and so advise, that the recommendation of the Indian Office should be followed in the Tinney case.

June 24, 1906, the Department instructed the Commission that:

It is desired that you ascertain whether the name of George Tinney appears upon any of the tribal rolls of the Cherokee Nation, if so you will summons him before you and examine him concerning his right to enrollment.

In reply to these directions the Commissioner to the Five Civilized Tribes states that a careful re-examination of all of the Cherokee tribal rolls in the possession of his office has been made, and the name of George Tinney does not appear upon any of them, and that as the Department's instructions are that Tinney shall be summoned to appear and be examined concerning his right to enrollment only in event his name appears upon some one of the tribal rolls of the Cherokee Nation, it is not understood that any further action is desired to be taken by his office looking to a hearing to determine the rights to enrollment of George Tinney, but in returning the communications to the Department he considers it proper to present his views relative to the position taken by this Office in letter of May 13, last, which position he says is apparently concurred in by the Assistant Attorney General and is to the effect:

That any person who may identify himself as appearing upon some one of the Cherokee Tribal Rolls shall be considered an applicant for enrollment and entitled to have his rights to enrollment now considered.

In this connection Mr. Dixy quotes from the Acts of June 10, 1896 (29 Stats., 321, 339), June 7, 1897 (30 Stats., 62,84), June 28, 1898 (30 Stats., 495,502), as follows:

June 10, 1896--

That said Commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after said hearing they shall determine the right of said applicant to be so admitted and enrolled, Provided, however, That such application shall be made to such commissioners within three months after the passage of this act. The said Commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said Commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes: Provided further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted courts or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

June 7, 1897--

That said Commission shall continue to exercise all authority heretofore conferred on it by law to negotiate with the Five Tribes, and any agreement made by it with any of said tribes, when ratified, shall operate to suspend any provisions of this act if it conflict therewith as to said nation: Provided, That the words "rolls of citizenship," as used in the Act of June tenth, eighteen hundred and ninety-six, making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, shall be construed to mean the last authenticated rolls of each tribe which have been approved by the council of the nation, and the

descendants of those appearing on such rolls, and such additional names and their descendants as have been subsequently added, either by the council of such nation, the duly authorized courts thereof, or the Commission under the act of June tenth, eighteen hundred and ninety-six. All other names appearing upon such rolls shall be open to investigation by such Commission for a period of six months after the passage of this act. And any name appearing on such rolls and not confirmed by the act of June tenth, eighteen hundred and ninety-six, as herein construed, may be stricken therefrom by such Commission when the party affected shall have ten days' previous notice that said Commission will investigate and determine the right of such party to remain upon such roll as a citizen of such nation; Provided also, that any one whose name shall be stricken from the roll by such Commission shall have the right to appeal, as provided in the act of June tenth, eighteen hundred and ninety-six.

June 28, 1896--

That in making rolls of citizens of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

The Commissioner to the Five Civilized Tribes says it will be noted that under the provisions of the Act of June 10,

1896, "the rolls of citizenship of the several tribes as now existing are hereby confirmed"; that by the Act of June 7, 1897, the words "rolls of citizenship" are construed "to mean the last authenticated rolls of each tribe which have been approved by the council of the nation"; and that by the Act of June 28, 1898, so far as it refers to the Cherokee Tribe, this term was further restricted; so that the only roll confirmed by said Act and preceding Acts of Congress is the 1880 roll, and the rights of all other persons whose names are found on any other roll are subject to investigation by the Commission.

He reports that the actual work of receiving applications for enrollment of citizens of the Cherokee Nation was not commenced until May, 1900, and says that for nearly two years prior thereto the Commission had been at work in the Creek, Choctaw, and Chickasaw Nations, preparing rolls of said tribes; that the work in the Cherokee Nation was not commenced until after considerable experience had been gained by the Commission in its work in the other nations; and that the work was continued in the Cherokee Nation in the same manner that was proven most desirable in the work in the other tribes; that on June 22, 1899, an informal conference was had between the department, this Office and A. S. McKennon, who was then a member of the Commission, and under date of August 8, 1899, instructions were issued to the Commission which contained the following:

For the purpose of this record you will require each applicant for enrollment to present himself in person before the Commission at one of its appointments within the tribe in which such applicant claims right to enrollment, for examination under oath, his statements to be

taken down by the Commission, upon which the Commission will determine his right to enrollment, and such record and action of the Commission will be preserved and transmitted with the rolls to be considered by this office and the Department, when the rolls made by the Commission are submitted for the approval of the Secretary of the Interior.

The instructions contained herein will take the place of all other instructions or directions heretofore given you in particular cases reported to this office and will govern you in performing all duties to which the instructions given herein could relate.

Mr. Bixby says it has been the policy of the Commission to require the personal appearance of all adult persons who desire to make application for enrollment as citizens of the Cherokee Nation, in order that a record sufficient to determine their rights may be made; that personal appearance has been required in almost every case, though there have been some cases in which personal appearance was impracticable on account of old age or infirmity, and that in such cases applications were received on behalf of the persons afflicted; that during the years 1900 and 1901 and the first six months of 1902 appointments were made in every locality of the Cherokee Nation; that in order to give every claimant to citizenship an opportunity to appear before the Commission these appointments were thoroughly advertised by public notices and publication, and by communications to individuals whose names appeared upon the tribal rolls and in whose behalf no applications had ever been made; that in some cases representatives of the Commission were sent to the homes of "alleged citizens", when it was found that such individuals would

not appear before the Commission of their own accord; that the enrollment work of the Cherokee Nation was taken up in bulk after such work had been completed in the Creek, Choctaw, and Chickasaw Nations; and that the work of the Cherokee Nation was, if anything, the most thorough work of the Commission in the matter of the enrollment of Indian citizens.

Mr. Bixby reports it was found that despite all the means employed by the Commission to obtain applications on behalf of all recognized and enrolled citizens of the Cherokee Nation, many persons "whose names appeared on the confirmed 1880 Cherokee Tribal Roll had not made appearance before the Commission"; that in order to protect such rights as any of them who were living might have, June 30, 1902, the Commission allowed applications to be made in behalf of persons whose names appeared on said rolls for whom application had not theretofore been made; that the 1880 roll was considered the most authenticated roll of the Cherokee Nation and the only one confirmed by Act of Congress; that the experience of the Commission has shown that it contained the names of, practically all the recognized citizens of the nation living at the time it was prepared; that subsequent investigation has proven that nearly all the persons for whose enrollment application was received on June 30, 1902, died prior to September 1, 1902, and he invites attention to the following provisions of the Act of May 31, 1900:

That said Commission shall continue to exercise all authority heretofore conferred on it by law, but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior.

He says that the purpose of the Act of May 31, 1900, was the removing from the class of applicants a large number of persons who were applying for enrollment in one of the Five Civilized Tribes and who had no tribal recognition whatsoever upon which to base their rights, and quotes from the Act of March 3, 1901, which provides that:

The rolls made by the Commission to the Five Civilized Tribes when approved by the Secretary of the Interior shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent; and the Secretary of the Interior is authorized and directed to fix a time by agreement with said tribes or either of them for closing said rolls, but upon failure or refusal of said tribes or any of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto.

Mr. Bixby says that under the provisions of the Act of March 3, 1901, the necessity of fixing some date for closing the rolls of citizens in the Civilized Tribes is recognized, and that on January 15, 1902, I.T.D. 1013-1902, the Department directed the Commission to receive no application for enrollment as a Cherokee citizen after July 1, 1902; that June 13, 1904, I.T.D. 4714-1904, the Department directed the closing of the rolls of the Creek Nation on September 1, 1904; that the action of the

Department in the Creek and Cherokee Nations shows the necessity of fixing some definite time after which no applications for enrollment of those persons not barred by the provisions of the Act of May 31, 1900 (supra), should be received; that subsequently the Cherokee Agreement was approved, and that it provides, among other things, for the closing of the rolls of citizenship of said nation. Section 30 of the Cherokee Agreement is as follows:

That during the months of September and October, in the year 1902, the Commission to the Five Civilized Tribes may receive applications for enrollment of such infant children as may have been born to recognized and enrolled citizens of the Cherokee Nation, on or before the first day of September, 1902, but the application of no person whomsoever, for enrollment, shall be received after the thirty-first day of October, 1902.

And the Commissioner to the Five Civilized Tribes presumes that Congress, in placing this limitation in the Act did so with a purpose, and it ^{is} therefore necessary to decide what the effect of such limitation is and what the exact legislative intent is; that since the passage of the Act of May 31, 1900, the Commission has not had authority to receive, consider, or make any record of any application of any person for enrollment who was not a recognized citizen of the tribe and duly and lawfully enrolled or admitted as such; that if the limitation placed upon the reception of applications by section 30 of the Cherokee Agreement is of any effect "it must mean that the application of no person whomsoever, even though he may have a tribal recognition, shall be received after the date fixed therein."

For the purpose of construing the provisions of law, the Commissioner considered it proper to invite attention to Section 34 of the Choctaw Agreement, and says that Section 30 of

~~the Cherokee Agreement recognizes only one class, to-wit: "appli-~~
cations for enrollment of such infant children as may have been
born to recognized and enrolled citizens of the Cherokee Nation
on or before the first day of September, 1902," but that the
limitation clauses in Section 34 of the Choctaw-Chickasaw Agreement,
and Section 30 of the Cherokee Agreement are identical in terms
and state in clear and unequivocal words that all the legislation
relating to the making of the tribal rolls contains the idea that
there should be a definite completion of the work at some time and
that to make this possible there should be a time beyond which no
application for enrollment would be allowed.

He then refers to the opinion of the Assistant Attorney
General of March 22, 1904, in the Esau Wolf case, and quotes from
the opinion of the Assistant Attorney General of June 19, 1905,
in the Tinney case, wherein he holds that nothing in the Esau
Wolf case with reference to the provisions of law applicable only
to Choctaws and Chickasaws can apply to Cherokees. He considers
that the construction placed upon the Cherokee Agreement by this
Office, in letter of May 13, 1905,

is unquestionably an expression of opinion that there
is no limitation beyond which applicants will be barred
from asserting their rights to enrollment, providing their
names appear upon some tribal roll,"

and says it is impossible for his office to reconcile this con-
struction of the law applicable to the Cherokee Nation with the
position of the Assistant Attorney General in the Esau Wolf case;
that during the years 1880 to 1896 many rolls of "alleged citizens
of the Cherokee Nation were prepared; that nearly all of these

rolls were payment rolls, and the experience of the Commission has shown that they are grossly inaccurate and unreliable, containing fictitious names and names of many persons whose citizenship has always been contested by the tribe; that it is his desire that any person who is entitled to enrollment as a citizen of any of the tribes shall be enrolled, but he ventures to assert

that unless these rolls are closed, as was undoubtedly the intention of Congress in the Cherokee Agreement, as well as the Choctaw-Chickasaw Agreement, it will be years before the work of enrollment in these tribes is entirely completed.

He asks that the Department reconsider its approval of the opinion of the Assistant Attorney General, of June 19, 1908, in the George Tinney case, and that his office be instructed that in no case

is it authorized to undertake the consideration of the right to enrollment as a citizen of the Cherokee Nation of any person whose application for enrollment was not presented prior to the thirty-first day of October, 1902.

It is not necessary for this office to discuss the provisions of the Acts of June 10, 1896 and June 7, 1897. Section 21 of the Act of June 28, 1898 confirmed the 1880 Roll of Cherokee citizens and declares specifically that all persons whose names are on said roll, except freedmen, and their descendants born since the date of said roll, shall be enrolled as citizens of the Cherokee Nation. The department, however, has held that a person whose name is on the 1880 roll may expatriate his citizenship under the same circumstances and conditions as one whose name is not on the 1880 roll.

Section 21 further declares that the Commission shall ~~enroll the descendants of all persons~~ admitted to citizenship "by reason of their Cherokee blood", who were minors when their parents were so admitted, and that:

They (the Commission) shall investigate the right of all other persons whose names are found on any other roll and omit all such as may have been placed there by fraud or without authority of law, enrolling only such as have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

It will be observed that this Section declares that the Commission shall enroll:

1. All persons whose names are on the 1880 roll, living at the time of the passage of the Act, except freedmen and those who have expatriated their citizenship.

2. Descendants of class one.

3. "All persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents by reason of the Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

4. Investigate the right to enrollment of all persons whose names are on any roll other than the 1880 and enroll all except those whose names are on some roll other than the 1880 roll by fraud or without authority of law.

5. The descendants of class four born since the rolls upon which the names of those citizens of class four appear were made.

So far as these rolls are concerned, the Commission had a clerical duty to perform. It was made incumbent upon it by law to transfer the names on the 1880 roll of the persons living to the roll prepared by it, and it was further made its duty to transfer all other names of persons on rolls other than the 1880 to the

roll prepared by it, unless it was shown that such name was placed on a roll other than the 1890 without authority of law or by fraud.

Section 21 of the Act of June 23, 1890, is confirmed by Section 27 of the Cherokee Agreement, which declares that the rolls shall in all "other respects be made in strict compliance" with the provisions of Section 21 of the Curtis Act. The "other respects" referred to are contained in sections 23 and 26, and are not material so far as this case is concerned.

The instructions of August 3, 1898, requiring all persons who applied for citizenship to appear personally before the Commission have been practically abrogated.

August 4, 1904, I.T.D. 6196, the Department directed the Commission to receive the application of Annie L. Dendy for the enrollment of her child Osella Dendy. March 28, 1903, I.T.D. 2798, the Department directed the Commission to receive an application forwarded by mail for the enrollment of Lafayette E. Brooks as a citizen by blood of the Cherokee Nation. There are several other cases that might be cited along these lines, but, it is believed that these two, which seem to be the leading ones, will be sufficient for the purpose intended, with reference to the position of this Office; that the Commission's duty in transferring the names from one roll to another was in its nature clerical.

Attention is invited to Department letter of August 3, 1903, I.T.D. 5310, concerning the enrollment of citizens of the Creek Nation, in which it is said:

There is nothing in the agreement with the Creek Nation approved by act of March 1, 1901 (31 Stat., 861), or in the supplemental agreement approved June 30, 1902 (32 Stat., 800), to indicate an intention to abandon the plan for an examination of the rights of each person whose name appears upon the Creek tribal rolls, confirmed by the prior legislation.

If you have not already done so you will proceed at once to investigate the right of each person whose name appears upon such rolls and to determine whether it should be carried to the roll to be prepared by you. When you have completed this examination you will report to this Department when further instructions will be given. A copy of the Indian Office report is enclosed.

The Cherokees removed to the Indian Territory in 1838, and all rolls prepared during that year, or since that year, should be examined by the Commission to the Five Civilized Tribes, with a view to determining whether the persons whose names appear on such rolls, if living, or their descendants, are entitled to enrollment.

The Assistant Attorney General said, in opinion of June 19, 1905, in the George Tinney case, that:

No application for enrollment is necessary. If the attention of the Commission is in any manner called to the fact that they have omitted to enroll a living person whose name appears on the roll confirmed by Congress, it is their duty to correct such error and to inscribe such name on the roll prepared by them, if it is not shown that such person has in some manner lost or forfeited his citizenship.

It would seem that it was the intention of the Assistant Attorney General to confine the above quotation to the 1880 roll, but this Office believes that said quotation is equally applicable to any other roll of the Cherokee Nation, unless the name on such other roll was placed there by fraud or without

authority of law, and that the Commission to the Five Civilized Tribes (now Commissioner) will not have performed the duties required of it by law until the names of all persons which appear upon any of the rolls of the Cherokee Nation shall have been accounted for, and it is respectfully recommended that the Com-

~~missioner be so advised, and that the position taken by the Assistant Attorney General in opinion of June 19 be followed.~~

Very respectfully,

C. F. LARRABEE

Acting Commissioner

CAV-CH

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 24, 1906

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

Referring to your letter of December 30, 1905, and reply of the Cherokee Enrollment Division of January 11, 1906, there is enclosed herewith for your information in connection with the alleged application for the enrollment of Jim Red, et al., as citizens of the Creek Nation, a copy of an approved opinion of the Assistant Attorney General for the Interior Department, dated April 16, 1906, in connection with the application for enrollment of George Tinney as a citizen of the Cherokee Nation.

Respectfully,



Acting Commissioner

IMB

Encl. B-72

Ca. Ex. 987
Muskogee, Indian Territory, August 10, 1906.

Robert A. Moore,

Attorney for Jim Red, et al.,

New York Life Building,

Kansas City, Missouri.

Dear Sir:

Receipt is acknowledged of your letter under date of August 6, 1906, requesting to be furnished with transcript of testimony taken in proceedings had on July 19 and 20, 1906, in the matter of the application for the enrollment of Jim Red, et al.

You state that you are endeavoring to secure a certified copy of the marriage license of the father and mother of the applicants in said cause and that you may ask for a continuance of the hearing set for August 10, 1906.

As requested there is enclosed herewith copies of the testimony above referred to.

You are advised that as only one day intervenes between the date of writing this letter and the date set for

-2-

hearing, you will be allowed ten days additional time within which to introduce such evidence in the case as you may desire.

Respectfully,

Commissioner.

A. W. BURNET LAW & COLLECTION CO.

(Incorporated)

Local and Foreign Collections receive prompt attention.
A qualified and experienced collector sent out on short notice.

431-432-433 & 434 NEW YORK LIFE BUILDING.
KANSAS CITY, MO.

PHONES:
Home 1879 Main.
Bell 1875 Main.

August 6, 1906.

Mr. Niles,

Muskogee, I. T.

Dear Sir:-

I have at last received my commission to practice before the Department for the Five Civilized Tribes and would be grateful to you if you would enclose me the transcript of evidence in the case now pending before your department in relation to the citizenship of Eugene, James and Jerry Red which was taken before you several weeks ago by Mr. Bucher and myself. I understood at the time that this evidence was to be sent by Monday of last week, but have failed to receive it as yet.

These cases are to be heard again on the 10th of the month. It is barely possible that I may ask for a continuance at that time for the reason that I am trying to get a certified copy of the marriage license of the father and mother of these boys and it may be delayed beyond the 10th of the month.

Would you kindly inform me at once if such a continuance will be granted?

Very truly yours,

Robert A. Moore

MISSOURI, KANSAS & TEXAS RAILWAY SYSTEM.

HOTEL AND RESTAURANT DEPARTMENT.

SEDALIA, MO.
 NE VADA, MO.
 PARSONS, KAS.
 MUSKOGEE, I. T.
 OSAGE INN, OSAGE, O. T.
 SOUTH MALESTER, I. T.
 CHOCKIE, I. T.
 THE DEPOT HOTEL, DENISON, TEX.

FRANK E. MILLER, Supt.
 WAINWRIGHT BLDG.,
 ST. LOUIS, MO.

STATIONS
 "THE DENISON," DENISON, TEX.
 HUGHES, TEX.
 DALLAS, TEX.
 HILLSBORO, TEX.
 SOUTH YARDS, TEX.
 SMITHVILLE TEX.
 HOUSTON TEX.

Muskogee Aug 11 1906.

Mr Miles

% Davis Commission

Creek Station Dept.

Dear Sir:

In regard to the application of Jerry Redd et al for exoneration there was one fact of which I would like to be informed. I cannot find in the transcript of evidence any statement of the Commission as to whether "Jack Red's" or "Red Kernal's" name appears on the Dunn roll of 1860. If it does so appear I would like it to appear in evidence, as showing Red's (the father's) citizenship. Would you be kind enough to inform me in this particular so that if any steps are necessary in

MISSOURI, KANSAS & TEXAS RAILWAY SYSTEM.

HOTEL AND RESTAURANT DEPARTMENT.

HOTELS AND DINING
STATIONS

SEDALIA, MO.
N. VADA, MO.
PARSONS, KAS
MUSKOGEE, I. T.
OSAGE INN, OSAGE, O. T.
SOUTH MCALESTER, I. T.
CHOCKIE, I. T.
THE DEPOT HOTEL, DENISON, TEX.

FRANK E. MILLER, Supt.
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ST. LOUIS, MO.

HOTELS AND DINING
STATIONS

"THE DENISON," DENISON, TEX.
HUGHES, TEX.
DALLAS, TEX.
HILLSBORO, TEX.
SOUTH YARDS, TEX.
SMITHVILLE TEX.
HOUSTON TEX.

190

this matter they may be taken
without having recourse to
a formal opening of this
case.

Thanking you for the
continued courteous service
me in this matter, I remain

Very Sincerely

Robt. D. Moore

433-4 New York Life Bldg
Kansas City Mo.

P.S. I would have seen you
personally in this regard
had not the office been closed
at three o'clock on Saturday
Robt. D. Moore

Muskogee, Indian Territory, August 14, 1906.

Robert A. Moore,
Attorney for Jim Red, et al.,
New York Life Building,
Kansas City, Missouri.

Dear Sir:

Receipt is acknowledged of your letter under date of August 11, 1906, in which you request that should the name of Jack Red, the alleged father of Jim, Eugene and Jerry Red, applicants for enrollment as citizens of the Creek Nation, appear upon the Dunn roll of citizens of said nation, that such fact be shown in the record in the case.

In reply you are advised that all the material facts as established by the evidence in the case and upon which same will be adjudicated, will appear in the final decision as prepared by this office and that when such decision has been rendered you, as attorney for applicants, will be furnished with a copy of same.

Respectfully,

Commissioner.

Cr. No. 987.

Muskogee, Indian Territory, February 21, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Jim, Jerry and Lewis (or Eugene) Red, and dismissing the application for the enrollment of John Red, deceased, as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

IX- 47.

Cr.An.987.

Muskogee, Indian Territory, February 21, 1907.

Carroll S. Bucher,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Jim, Jerry and Lewis (or Eugene) Red, and dismissing the application for the enrollment of John Red, deceased, as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-45.

Cr.En.937.

Muskogee, Indian Territory, February 21, 1907.

Hutchings, Murphy & German,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Jim, Jerry and Lewis (or Eugene) Red, and dismissing the application for the enrollment of John Red, deceased, as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

IX-46.

Cr.Rn.987.

Muskogee, Indian Territory, February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Jim, Jerry and Lewis (or Eugene) Red, as Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-48.

Through the Commissioner
of Indian Affairs.

Cr.Mn. 987.

Muskogee, Indian Territory, February 21, 1907.

Belle Jackson,
4224 Baltimore Avenue,
Kansas City, Missouri.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your child, John Red, deceased, as a Creek Freedman, dismissing said application.

Respectfully,

Commissioner.

Register.
IM-44.

Cr. An. 987.

Muskogee, Indian Territory, February 21, 1907.

Jerry Red,
3025 Forest Avenue,
Kansas City, Missouri.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for your enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
IM-434.

Cr.En.987.

Muskogee, Indian Territory, February 21, 1907.

Robert A. Moore,
New York Life Building,
Kansas City, Missouri.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Jim, Jerry and Lewis (or Eugene) Red, and dismissing the application for the enrollment of John Red, deceased, as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Register.
IM-49.

Commissioner.

Cr. No. 987.

Muskogee, Indian Territory, February 21, 1907.

Lewis (or Eugene) Red,
4224 Baltimore Avenue,
Kansas City, Missouri.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for your enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
IM-42.

Cr.En. 907.

Muskogee, Indian Territory, February 21, 1907.

Jim Red,
4224 Baltimore Avenue,
Kansas City, Missouri.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
IM- 43.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

Land
18948

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 21, 1907, transmitting the record relative to the application for the enrollment of Jim, Jerry and Lewis (or Eugene) Red, as Creek freedmen, On February 20, 1907, the Commissioner held that the applicants were not entitled to enrollment.

The decision of the Commissioner has been examined and found to be correct and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

JPB-GH

JP
V.H.M.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

I.T.D.7574-1906
7920- "

March 4, 1907.

LRS.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants, are hereby affirmed. Copies of Indian Office letters, submitting your reports and recommending that the decisions be affirmed, are enclosed:

Title of Case.

Date of your letter
of transmittal.

Jim Red, et al. (Freedmen)
Mary and Pelly, dec'd (by blood),

February 21, 1907
February 28, 1907.

A copy hereof and all the papers in the above cited cases have been sent to the Indian Office.

Respectfully,

E.A.Hitchcock,

Secretary .

2 enclosures and
4 enclosures to Ind.Of.,
with copy hereof.

AFMc.

3-5-07.

C^r.En. 987

Muskogee, Indian Territory, March 15, 1907.

Robert A. Moore,

Attorney at Law,

New York Life Building.

Kansas City, Missouri

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907 affirmed the decision of the Commissioner to the Five Civilized Tribes denying the alleged application for the enrollment of Jim Red, et-al as Creek freedmen

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 15, 1907.

M. L. Mott,

Attorney for Creek Nation.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Jim Red, et al as Creek freedmen.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 15, 1907

Carroll S. Bucher,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Jim Red, et al, as Creek Freedmen

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 16, 1907.

Hutchings, Murphy & German,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Jim Red, et al as Creek Freedmen.

Respectfully,

Commissioner.

Cr.En. 987.

Muskogee, Indian Territory, March 16, 1907.

Belle Jackson,
4224 Baltimore Avenue,
Kansas City, Missouri.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Jim Red, et al, as Creek freedmen.

Respectfully,

Commissioner.

Cr.En. 987.

Muskogee, Indian Territory, March 16, 1907.

Jerry Red,

3025 Forest Avenue,

Kansas City, Missouri.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Jim Red, Jerry Red, Lewis (or Eugene) Red as Creek freedmen.

Respectfully,

Commissioner.

Cr.En. 987

Muskegee, Indian Territory, March 16, 1907.

Lewis (or Eugene) Red,
4224 Baltimore Avenue,
Kansas City, Missouri.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Jim Red, et al, as Creek freedmen.

Respectfully,

Commissioner.

CR EN 988

CR EN 988

D.A. 63.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Burney, I. T., September 8, 1905.

In the matter of the application for the enrollment of Litia as a citizen by blood of the Creek Nation.

LYDIA THOMPSON, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Lydia Thompson.
Q How old are you? A About forty.
Q What is your post office address? A Burney.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Hitchitee.
Q Did you know Litia? A Yes, sir. Her proper name was Lizzie Davis.
Q Was she any relation to you? A She was my aunt.
Q Do you know when she died? A She died in the year following the year Pus Blunt died. I think in October, because people were picking cotton.
Q How many years has it been? A About five years ago.
Q How old was she? A She was about fifty years old.
Q Was she a Texas Creek? A Yes, sir.
Q What relation was she to Jeff Davis? A An aunt.
Q Did she die before or after the opening of the Creek Land Office?
A She died after the land office opened.

BILLY THOMPSON, being duly sworn, testified as follows:

Through Lydia Thompson, who was duly sworn as Quasarte Interpreter, and Alex Posey Official Creek Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Billy Thompson?
Q How old are you? A Something like fifty.
Q What is your post office address? A Burney.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Quasarte No. 1.
Q Do you know Litia? A Yes, sir.
Q Was she a relative of yours? A No relation.
Q Do you know when she died? A She has been dead about five years.
Q In what season of the year did she die? A In the fall of the year.
Q Were you present at her funeral? A Yes, sir.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did Litia die before or after the Creek Land Office opened? A She died after the Creek Land Office opened.

LYDIA THOMPSON recalled.

- Q Where does Jeff Davis live? A Near Chitto Harjo's, several miles east of here but he never stays at home.

I, D. C. Shaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 16 day of Oct, 1905.

D. C. Shaggs
Notary Public.

DEPARTMENT OF THE INTERIOR/
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Burney, I. T., September 27, 1905.

In the matter of the application for the enrollment of Litia,
deceased, as a citizen by blood of the Creek Nation.

JEFF DAVIS, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Jeff Davis.
Q How old are you? A About thirty-eight.
Q What is your post office address? A Burney.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Eufaula Canadian.
Q Did you know Litia? A Yes, sir.
Q Was she any relation to you, A She was my aunt.
Q Was she a Texas Creek? A Yes, sir.
Q Was she a full blood Indian? A Yes, sir.
Q Did she die before or after March 1, 1901? A Before.
Q Did you ever execute an affidavit about her death? A Yes, sir.
Q When did she die? A She died in 1900.
Q Do you know in what month? A I do not know. I did know but have forgotten. I am not sure but it must have been somewhere about September. About the last of September.
Q There is an affidavit on file in the office of the Commissioner, executed by you, relative to the death of Litia, in which you state that she died October 25, 1900/ma Is the date as given in that affidavit correct? A Yes, sir. I had about forgot the month.
Q Did you have a record when you executed the affidavit? A Yes, sir.
Q Have you that record now? A Not here. It was down to my mother's about six or seven miles from here.
Q How old was Litia at the time of her death? A I don't know.
Q Was she a grown woman? A Yes, sir, she was somewhere about forty or fifty. Had a grown son.
Q Was she also known as Lizzie Davis? A No, sir, she was known as Lizzie Wilson.

---ooo000ooo---

I, D. C. Shaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Shaggs

Subscribed and sworn to before me this 16 day of Oct 1905.

Charles Shaggs
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

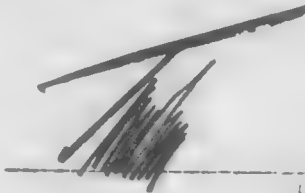
In the matter of the application for the enrollment of litia,
deceased, as a citizen by blood of the Creek Nation.

SUPPLEMENTAL STATEMENT.

Tribal rolls of the Creek Nation in the possession of this
Office examined and the applicant herein is not identified on any
of said rolls.

Record of the proceedings of the Colbert Commission in the
possession of this Office examined, and it does not appear that
application was made to said Commission for the admission of the
applicant herein to citizenship in the Creek Nation.

Record of the proceedings of the Commission to the Five
Civilized Tribes under authority of the act of Congress of June
10, 1896, examined, and it does not appear that application was
made to said Commission for the admission of the applicant herein
to citizenship in the Creek Nation.



Commissioner.

Muskogee, Indian Territory,
NOVEMBER 14, 1905.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Litia, deceased, as a citizen by blood of the Creek Nation.

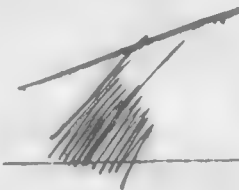
.....DECISION.....

The record in this case shows that on October 30, 1901, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavit of Joff Davis relative to the death of his aunt, Litia, which said affidavit is considered as an application for the enrollment of said Litia, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had September 8, September 27, and November 14, 1905.

The evidence shows that said Litia, deceased, had never been enrolled as a citizen of the Creek Nation, nor had she ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

The evidence further shows that said Litia, deceased, was not residing in the Creek Nation on May 25, 1901, she having died prior to said date.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Litia, deceased, as a citizen by blood of the Creek Nation, and the application for her enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory.

JAN 12 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
BURNLEY, I. T., AUGUST 24, 1906.

In the matter of the application for the enrollment of
Litia, deceased, as a citizen by blood of the Creek Nation.

JEFF DAVIS, being duly sworn testified as follows:

Through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Jeff Davis.
Q How old are you? A About 39.
Q What is your postoffice address? A Burnley.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q To what Creek town do you belong? A Eufaula Canadian.
Q Did you have an aunt named Litia? A Yes sir.
Q Was she also known as Lizzie Davis? A That was her maiden name. At the time of her death she was known as Lizzie Wilson, her husband was a Wilson.
Q She removed to the Creek Nation, did she, from Texas?
A Yes sir.
Q She was a full blood Creek Indian, was she? A Yes sir.
Q You have heretofore testified in this case, have you not?
A Yes sir.
Q Where was she born? A She was born in Texas, near the Louisiana line.
Q Where was she living at the time she died? A In the Creek Nation, near Burnley.
Q When did she die? A October, 1900.
Q When did she remove to the Creek Nation from Texas? A On the 11th of April, 1899.
Q Had she ever lived in the Creek Nation prior to her removal from Texas in 1899? A No sir, she had always lived in Texas.
Q How do you fix the exact date of her removal from Texas to the Creek Nation? A Because I came with her, as well as other Texas Creeks; we arrived in Checotah April 11, 1899, from Polk County, Texas.
Q How do you fix the exact date of her death? A Because I was present when she died and was the person that buried her.

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true, and correct transcript of his stenographic notes thereof.

James B. Myers

Subscribed and sworn to before me this 30 day of August, 1906.

D. A. 83.

Eufaula, Indian Territory, September 19, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith testimony taken September 2, 1905, in the matter of the application for the enrollment of Litia, deceased, as a citizen by blood of the Creek Nation.

I am unable to secure further testimony in said case.

Respectfully,



Clerk in Charge Creek Field Party.

COMMISSION TO THE CREEK	
No.	RECEIVED
13826	SEP 20 1905

INDEXED

Posey, Alex,
Eufaula, I.T.,
Creek Nation,
Sep. 19, 1905.

Transmits supplemental
proof in re application
for enrollment of Litia,
deceased, as a citizen of the
Creek Nation.

CREEK ENROLLMENT,

✓
Cr.Mn.988

Muskogee, Indian Territory, January 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Litia, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1906.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

AG-6

Cr.En.988

Muskogee, Indian Territory, January 13, 1906.

Jeff Davis,

Burney, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your aunt, Litia, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-4

Cr.En.988

Muskogee, Indian Territory, January 13, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your aunt Litia, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-5

#999

OR

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

February 26, 1906.

I.T.D. 2630-1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to your letter of January 13, 1906, there is returned to you the record in the matter of the application for the enrollment of Litia, deceased, as a citizen by blood of the Creek Nation, for the reason that the record is too meagre to determine the rights involved therein.

The record submitted shows that Litia, known also as Lizzie Davis, alias Lizzie Wilson, was a full-blood Texas Creek Indian, about 50 years old prior to her death in October, 1900--after the opening of the Creek Land Office. The evidence fails to show the place of her birth and death^{and} when she removed, if at all, from Texas to the Creek Nation.⁴

You are requested to reopen the case for the introduction of additional evidence with a view to a full hearing upon the merits as to whether Litia, prior to her death, was entitled to be enrolled as a Creek Citizen.

Respectfully,

1 inclosure.

(Signed) Thos Ryan
First Ass't Secy

REFER IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. March 12, 1906.

Alex Posey,

Clerk in Charge of Creek Field Party.

Dear Sir:

There is inclosed herewith copy of Departmental letter under date of February 26, 1906, together with copy of the record, in the matter of the application for the enrollment of Litia, deceased, as a citizen by blood of the Creek Nation.

You will note the First Assistant Secretary states in said letter that:

"The record submitted shows that Litia known as Lizzie Davis, was a full blood Texas Creek Indian about 50 years old prior to her death in October, 1900--after the opening of the Creek Land Office. The evidence fails to show the place of her birth and death and when she removed, if at all, from Texas to the Creek Nation."

You are directed to secure further evidence in this case in line with instructions contained in said letter.

Respectfully,

2-HEA

Acting Commissioner.

37444

68

Posey, Alex,
Calvin, I. T.,
Choctaw Nation,
August 31, 1906.

Transmits testimony in re
enrollment of Litia, deceased.

CREEK ENROLLMENT.

REFER IN REPLY TO THE FOLLOWING:

En. 988.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Calvin, Indian Territory, August 31, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith testimony taken by the Creek Field Party August 24, 1906, in the matter of the application for the enrollment of Litia, deceased, as a citizen by blood of the Creek Nation, together with copies of testimony heretofore taken, and other papers in relation to said cause.

Respectfully,

Alvin May
In Charge,
Creek Field Party.

JBM

I concur in the decision and letter prepared by Mr. Clapp in this case. The intent of the framers of the first Creek Agreement was clearly to include a person situated as this applicant. Congress and the Creek Council in ratifying the Agreement had no intent to exclude any persons included within the benefits of the Agreement as originally drawn up. This woman was a full-blood Creek Indian, had recently removed to the Creek Nation on March 8, 1900 and died in October, thereafter. I believe that she should be enrolled.

Clapp

4/13/07.

W.D.

En 988

~~I do not concur in the decision or in the opinions expressed in the report in this matter.~~

It has been the previous practice of the Commission and the Commissioner to adjudicate the rights of applicants as of the dates of the approval of certain Acts. It would seem that a treaty entered into between the Creek tribe and the United States would have no force until approved. I contend that the word "now" in the Act has no force except as of the date of the approval of the Act. The Department and the Commission have always referred to certain Acts as of the dates on which they were approved and not as of the dates when agreements were entered into. In this Act it is not specifically stated that parties applicant would be entitled if living on March 8, 1900 and I believe my position is correct in stating that the provisions set out in all treaties between the United States and foreign governments are not retroactive unless specifically made so. I contend that the provisions of the "Creek Agreement of March 8, 1900" do not constitute an agreement until approved.



MEMORANDUM.

On February 20, 1907, there was transmitted to the Department for approval, a schedule constituting a part of the final roll of citizens by blood of the Creek Nation (without number). The letter transmitting this schedule is copied in Departmental Letter Book No. _____ page _____ and contains the name of the following person:

10117 Litia

Texas Creek

Muskogee, Indian Territory, February 20, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

On October 30, 1901, Jeff Davis filed with the Commission to the Five Civilized Tribes an application for the enrollment of his aunt, Litia. On January 12, 1906, this office rendered a decision denying said application, and on February 26, 1906 (I.T.D., 2630-1906), the Department returned the record for the reason that it was too meager to determine the rights involved, and requested this office to reopen the case for the introduction of additional evidence with a view to a full hearing on the merits as to whether the applicant, prior to her death, was entitled to be enrolled as a Creek citizen, saying:

"The record submitted shows that Litia, known also as Lizzie Davis, alias Lizzie Wilson, was a full-blood Texas Creek Indian, about 50 years old prior to her death in October, 1900--after the opening of the Creek Land Office. The evidence fails to show the place of her birth and death and when she removed, if at all, from Texas to the Creek Nation."

Further testimony in said matter was taken on August 24, 1906, from which it appears that the applicant was born in Texas and resided there until April 11, 1899, when she re-

moved to the Creek Nation, where she resided until the date of her death in October, 1900.

In my decision of January 12, 1906, after finding as a fact that the said applicant was not entitled to enrollment by virtue of having been enrolled as a citizen or admitted to citizenship, it was further found that said Litia "was not residing in the Creek Nation on May 25, 1901, she having died prior to said date".

I therefore denied her enrollment as a citizen by blood of the Creek Nation. Section 29 of the Act of Congress approved March 1, 1901 (31 Stats., 861), provides:

"Said Commission shall have authority to enroll as Creek citizens certain full-blood Creek Indians now residing in the Cherokee Nation, and also certain full-blood Creek Indians now residing in the Creek Nation who have recently removed there from the State of Texas, and families of full-blood Creeks who now reside in Texas, and such other recognized citizens found on the Creek rolls as might, by reason of nonresidence, be excluded from enrollment by section twenty-one of said act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight: Provided, That such nonresidents shall, in good faith, remove to the Creek Nation before said Commission shall complete the rolls of Creek citizens as aforesaid."

Whether the applicant in this case, under the record as it stands, is entitled to enrollment as a citizen by blood of the Creek Nation, depends upon the true construction of the word "now" as underlined in the quotation above.

After due consideration, I have concluded that the true construction is to read the word "now" as meaning March 8,

1900, the date of the signing of the Agreement. It is true that this Agreement did not go into full force and effect until it had been ratified by Congress on March 1, 1901, and by the Creek National Council on May 25, 1901, but the question here seems to be primarily the intent with which the commissioners and delegates who framed the Agreement used the expression, as it is believed that the subsequent ratification of the Agreement by Congress and the Creek National Council was a confirmation, not only of the terms of the agreement, but of the intent with which those terms were used by the framers. In other words, that a construction of a certain phrase in the Agreement, which before March 1, 1901, was absolutely plain, is not to be considered as changed by the fact that subsequently Congress ratified the Agreement, and the Agreement, where possible, must bear the same construction after, as well as before, this ratification or confirmation.

It seems clear that the commissioners and delegates who framed this Agreement in using the word "now" were referring to the date of the Agreement, as in every other instance in the Agreement, with one minor exception, where certain rights are conferred as of a certain date or certain duties imposed to be performed within a certain date, that date was fixed with reference to the date of the "ratification of this Agreement". It seems quite clear that the same expression would have been used in section 29, if that had been the intention of the sign-

ers of the Agreement.

I have therefore signed, and transmit herewith a decision enrolling the applicant as a citizen by blood of the Creek Nation, and recommend that my decision of January 12, 1906, be not concurred in, and that the decision herewith transmitted be affirmed.

I also transmit herewith a partial schedule of citizens by blood of the Creek Nation, bearing thereon, to be approved by you in the event the decision herein referred to is affirmed, the name of this applicant as follows:

Litia

Texas Creek

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Litia as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on October 30, 1901, there was filed with the Commission to the Five Civilized Tribes the affidavit of Jeff Davis relative to the death of his aunt, Litia, which said affidavit is considered as an original application for the enrollment of said Litia as a citizen by blood of the Creek Nation. Further proceedings were had on September 8th, and September 27, 1905. On January 12, 1906, the Commissioner to the Five Civilized Tribes rendered his decision denying the said application, and on February 26, 1906, the Department returned the record in the matter of said application with instructions to re-open the case for the introduction of additional evidence. That further proceedings were had on August 24, 1906.

The evidence shows that said applicant is a full-blood Creek Indian, who was born in Texas and lived there until April 11, 1899, when she removed to the Creek Nation after which she resided in the Creek Nation until the month of October, 1900, when she died.

It is, therefore, ordered and adjudged that the said Litia is entitled to be enrolled as a citizen by blood of the Creek Nation, in accordance with the Act of Congress approved March 1, 1901 (31 Stats., 861), and the application for her enrollment as such is accordingly granted.

T. J. Davis

Commissioner,

Wuskogee, Indian Territory,

CR EN 989

CR EN 989

B.A. 196.

DEPARTMENT OF THE INTERIOR,
~~COMMISSIONER TO THE FIVE CIVILIZED TRIBES.~~
Eufaula, I. T., September 2, 1905.

In the matter of the application for the enrollment of Hattie Sulphur as a citizen by blood of the Creek Nation.

JAMES SULPHUR, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSIONER:

- Q What is your name? A James Sulphur.
Q How old are you? A I am about twenty-nine years old.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Hickory Ground.
Q Have you a child named Hattie Sulphur? A Yes, sir.
Q Is the child living? A Yes, sir.
Q When was she born? A May 22, 1901.
Q What is the name of her mother? A Kizzie Sulphur.
Q Is Kizzie Sulphur living? A She is dead.
Q When did she die? A August 31, 1902.
Q Have you ever executed an affidavit with reference to the date of birth of Hattie? A Yes, sir.
Q Is the date as given in that affidavit correct? A Yes, sir.
Q Did you have a record to go by when you executed the affidavit?
A Yes, sir. I still have the record at home.
Q When did you make that record? A I made the record sometime in 1904. Probably in August.
Q Did you simply remember the date of the birth when you made the record? A Yes, sir, the date was fresh in my mind.
Q How old is Hattie now? A She is a little over four years old.
Q When was her last birthday? A She was four years old the 22nd day of May, 1905.
Q Who attended on you wife at the time Hattie was born? A My mother Kizzie Sulphur.
Q Would she know when Hattie was born? A Yes, sir.
Q Where does she live? A About four miles west of here, in the same neighborhood where I live.
Q Was any one else present when Hattie was born? A No, sir.

Witness is advised that the record referred to and the testimony of the mid-wife, Kizzie Sulphur, is desired in this case.

DANIEL LEWIS, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSIONER:

- Q What is your name? A Daniel Lewis.
Q How old are you? A About thirty-eight.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Eufaula Canadian.
Q Are you acquainted with James and Kizzie Sulphur? A Yes, sir.
Q Do you live in the same neighborhood with them? A Yes, sir.
Q Do you know a child of theirs named Hattie? A Yes, sir.
Q Is the child living? A Yes, sir.
Q Do you know when she was born? A I do not remember the month or the day but she was born in 1901.

B.A. 196. ----2.

Q Was she born in the Winter, Spring or Summer? A In the Summer.
Q Do you know about what month? A I do not know whether the child
was born in April or May.
~~Q Do you think the child was born in one of those two month? A~~
Yes, sir.
Q How old is the child now? A I think she is four years old or a
little over.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a
full and true transcript of my stenographic notes as taken in said
cause on said date.

Subscribed and sworn to before me this 16 day of Feb 1905.

D. C. Skaggs
Edw. Chiese
Notary Public.

B.A. 196.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Eufaula, I. T., September 11, 1905.

In the matter of the application for the enrollment of Hattie Sulphur, ~~daughter~~, as a citizen by blood of the Creek Nation.

JAMES SULPHUR, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A James Sulphur.
Q How old are you? A About twenty-nine.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Hickory Ground.
Q Have you a child named Hattie Sulphur? A Yes, sir, this is her.
(indicating a little girl)
Q You have heretofore testified in this case have you not? A Yes, sir.
Q You stated in your testimony, September 2, 1905, that you had a record as to the date of the birth of Hattie. Have you that record now? A Yes, sir.

Witness presents a pocket memorandum book in which the following entry is found:

"Hattie Sulphur born May 22, 1901."

- Q When did you make this record? A Shortly after the child was born. I do not know just how long after but it was not long.
Q Who attended on your wife, Kizzie Sulphur, at the birth of Hattie?
A My mother, Kizzie Sulphur.

KIZZIE SULPHUR, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Kizzie Sulphur.
Q What is your age? A About fifty or over.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Hickory Ground.
Q Do you know James and Kizzie Sulphur? A Yes, sir.
Q Are they both living? A Kizzie is dead.
Q Do you know a child of theirs named Hattie Sulphur? A Yes, sir.
Q Did you attend on Kizzie Sulphur at the time Hattie was born? A Yes, sir.
Q When was she born? A May 22, 1901.
Q You are positive are you? A Yes, sir.
Q Was there any one else present when the child was born? A No one but myself.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 16 day of Oct. 1905.

D. C. Skaggs
Edw. C. Skaggs
Notary Public.

B. A. 1905.

Eufaula, Indian Territory, September 19, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith testimony taken September 2 and
II, 1905, in the matter of the application for the enrollment of
Hattie Sulphur as a citizen by blood of the Creek Nation.

I am unable to secure further evidence in said case.

Respectfully,

Ally May
Clerk in Charge Creek Field Party.

RECEIVED

COMMISSIONER TO THE CHIEF	
No.	Received
43820	
1905	SEP 20 1905

Posey, Alex,
Eufaula, I.T.
Creek Nation,
Sep. 19, 1905.

Transmits testimony in
re enrollment of Hattie
Sulphur as a Creek
citizen.

cc: [illegible]

196

20

IN RE

Application for Enrollment of

INFANT CHILD

Hattie Snepher

as a citizen of

Creek

Nation.

Approved..... 190.....

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

[Handwritten signature]

CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,
of Hattie Suephur, born on the 22 day of May, 1901
(Here insert name of child)
Name of Father: James Suephur citizen of the Creek Nation.
Name of Mother: Kizzie Suephur citizen of the Creek Nation.
Post-office Burney Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, Wife is dead., on oath state that I am
years of age and a citizen, by died on Aug. 31-1902 Nation;
that I am the lawful wife of _____, who is a citizen, by
_____, of the _____ Nation; that a _____ child was
(Male or female)
born to me on _____ day of _____; that said child has been named
_____, and is now living.

WITNESSES TO MARK:

Must be Two
Witnesses.

Subscribed and sworn to before me this _____ day of _____, 190

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, Kizzie Suephur Mother of James Suephur, on oath state that I at-
tended on Mrs. Kizzie Suephur, wife of James Suephur
on the 22 day of May, 1901; that there was born to her on said
date a Female child; that said child is now living and is said to have been named
Hattie Suephur.
(MALE OR FEMALE)

WITNESSES TO MARK:

Must be Two
Witnesses.

Subscribed and sworn to before me this 25 day of July, 1904.

NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hattie Sulphur as a citizen by blood of the Creek Nation.

.....DECISION.....

The record in this case shows that on July 27, 1904, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavit of Fizzie Sulphur relative to the birth of her minor grandchild, Hattie Sulphur, which said affidavit is considered as an application for the enrollment of said Hattie Sulphur as a citizen by blood of the Creek Nation. Further proceedings were had September 2 and September 11, 1905.

The evidence shows that said Hattie Sulphur was born May 22, 1901, and that she was living at the date of the last proceedings herein.

The evidence further shows that said Hattie Sulphur is the minor child of James Sulphur and Fizzie Sulphur, and an examination of the records of this Office shows that the names of said James Sulphur and Fizzie Sulphur appear on the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, Roll Nos. 2863 and 2864, respectively.

It is, therefore, ordered and adjudged that said Hattie Sulphur is entitled to be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the act of Congress approved June 30, 1902 (32 Stats., 500), and the application for her enrollment as such is accordingly granted.

Muskogee, Indian Territory,

Commissioner.

CR

EN 990

CR EN 990

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1905.

In the matter of the application for the enrollment of
Queen Victoria Jackson or Viola Warrior as a Creek freedman.

Henry Jackson, being duly sworn, testified as follows:

- Q What is your name? A Henry Jackson.
Q You have testified before in this case? A Yes, sir
Q When you testified before a field party at Brush Hill you stated that Angeline Warrior-- who was she? A That's Queen Victoria Jackson's grandmother.
Q What is the name of the child's mother? A Mary Rogers
Q Is Mary Rogers a child of Angeline Warrior? A Yes, sir
Q Is Mary Rogers dead? A Yes, sir
Q Was she a citizen of the Creek or Chickasaw Nation? A I couldn't tell, her father was a Creek freedman and her mother Choctaw or Chickasaw.
Q When you testified before you said that Angeline Warrior who is now Angeline Williams made application for Queen Victoria Jackson in the Chickasaw nation as Viola Warrior? A Yes, sir
Q You said the child was living with her grandmother at that time, near Brush Hill? A Yes, sir
Q Is Queen Victoria Jackson and Viola Warrior, one and the same child? A Yes just one child. She called her Viola and we called her Queen Victoria Jackson.
Q Did she call her anything else? A Called her Tab
Q When she made application for it in the Chickasaw Nation under the name of Viola Warrior she said that it was her child by Jesse Warrior, is that true? A No, sir it isn't her child.
Q She is not the mother? A No, sir, she is the grandmother.
Q Do you know whether Mary Rogers, deceased, the one you claim is the mother was enrolled as a Chickasaw or Creek? A She died before the enrollment started.
Q She wasn't enrolled in any nation? A No, sir, not to my knowledge
Q Then if what you say is true it is your child by her, any rights the child has would come through you? A Yes, sir
Q You were told in a letter which you now produce from the Commissioner, to bring in Angeline Warrior, why didn't you do that? A I couldn't, I written to her that the Dawes Commission said to appear before them in fifteen days and showed her the letter so she would understand it and she wrote me a letter.
Q When was this child born? A 1898 or 99, she is seven years old.
Q She is living? A Yes, sir

I, Anna Garrigues, state on oath that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this
7 day of December, 1905.

J. M. Dermott
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Brush Hill, I. T., September 27, 1905.

In the matter of the application for the enrollment of Queen Victoria Jackson as a Creek Freedman.

HENRY JACKSON, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Henry Jackson.
- Q How old are you? A About thirty.
- Q What is your post office address? A Muskogee.
- Q Are you a citizen of the Creek Nation? A Yes, sir, far as I know I am.
- Q To what town do you belong? A I couldn't tell you.
- Q Don't you know to which one of the three colored towns you belong? A I belongs to one of them, but I don't know which.
- Q Have you been enrolled? A Yes, sir, I filed in 1901.
- Q In the Creek Nation? A Yes, sir, in the Creek Nation. I belongs to Canadian Colored Town.
- Q Are you enrolled as Henry Jackson? A Yes, sir.
- Q Have you a daughter named Queen Victoria Jackson? A Yes, sir.
- Q What was the name of her mother? A Mary Rodgers.
- Q Is she known by the name of Jackson? A No, sir, she was down as Rodgers.
- Q Was she your lawful wife? A Yes, sir, by Indian Law.
- Q To what town did she belong? A I think she belonged to Candian.
- Q Was she a citizen of the Creek Nation? A Yes, sir, as long as her mother didn't prove her right in the Choctaw Nation.
- Q Has she been allotted land in the Creek Nation? A No, sir, she died before she filed.
- Q Was she a citizen of any other nation? A I don't know. Her mother made application down in the Chickasaw Nation. After she made application down there I stopped on making application here in the Creek Nation because the child would follow her.
- Q You have filed in the Creek Nation have you? A Yes, sir.
- Q Is this child living? A Yes, sir.
- Q Do you know when she was born? A She was born April 21, 1898.
- Q Have you a record of her birth? A I believe I is got a record of her birth, but the man what had the book went off with it, but know the date.
- Q Who attended on your wife at the time Queen Victoria Jackson was born? A Julia Brumer. She is dead now.
- Q What is the name of your wife's mother? A She used to be Angeline Williams but it is Warrior now.
- Q Is she a citizen of the Creek Nation? A No, sir.
- Q Has she made application to be enrolled in the Chickasaw Nation? A Yes, sir. She made application for Queen Victoria Jackson in the Chickasaw Nation as Viola Warrior, I think that is what she told me.
- Q Is this child living with her grandmother at the present time? A Yes, sir.
- Q Where does Angeline Warrior live? A Near Brush Hill.
- Q Do you know whether or not her application has been approved? A I don't know. She told me she had not got any answer to her right yet.
- Q I it should be found that Queen Victoria Jackson is entitled to rights in either the Creek or Chickasaw Nation, in which nation do you elect to have her enroll? A In the Creek Nation.

B.A. 86 .---2.

Q Is Angelina Warrior a Chickasaw Freedman? A Yes, sir, she is a freedman.

Q Did you or Julia Bruner ever execute an affidavit about the birth of this child? A I think we did.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 16 day of October 1905.

Edw. G. Grier

Notary Public.

B.A. 86.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Thorn Ridge, I. T., September 14, 1905.

In the matter of the application for the enrollment of Queen Victoria Jackson as a Creek Freedman.

WILLIAM JACKSON, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A William Jackson.
Q How old are you? A Thirty-four.
Q What is your post office address? A Brush Hill.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Canadian Colored.
Q Do you know Henry and Mary Jackson? A yes, sir. Henry is my brother.
Q Do you know a child of theirs named Queen Victoria Jackson? A Yes, sir.
Q Is she living? A Yes, sir.
Q Do you know when she was born? A I know the year but I don't recollect the month or date.
Q What year was it? A It was in 1898.
Q In what season of the year was she born? A It was April or May sometime. I don't know just which. It was in the Spring of the year.
Q Are both parents living? A The mother is dead.
Q Do you know who attended on Mary Jackson at the time the child was born? A Yes, sir. Julia Bruner and my wife, Mary Jackson.
Q Is Julia Bruner living? A No, sir, she is dead.
Q Do you know whether or not the child has been enrolled and received her allotment? A No, sir, she has not been enrolled.
Q To what town does the father belong? A Canadian Colored.
Q To what town did the mother belong? A North Fork.
Q When did you see the child last? A Tuesday morning. I do not know it was in 1898 the child was born at my place.

-----000000-----

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 25 day of Sept 1905.

J. L. Brown
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 5, 1906.

In the matter of the application for the enrollment of
Viola Warrior or Queen Victoria Jackson as a citizen of the Creek
Nation.

ANGELINE WARRIOR, being duly sworn, testified as follows:

- Q What is your name? A Angeline Warrior, was Williams.
Q What is your age? A Thirty eight years.
Q What is your post office address? A Brush Hill.
Q Are you a citizen of the Creek Nation? A I am a Chickasaw freedman.
Q What was the name of your father John Williams.
Q What the name of your mother? A Charity Williams.
Q Did you have a child named Viola Warrior? A Yes, sir.
Q When was it born? A It was an adopted child.
Q It wasn't your own child then was it? A Yes, sir.
Q Don't you know the difference between having a child actually born to you and an adopted one? A Yes, sir.
Q You didn't give birth to this child, did you? A No, sir.
Q Don't you know that it is wrong to sit down and sign an affidavit that a certain child was born to you on a certain day, if it was simply adopted by you? A Yes, sir.
Q Didn't you sign that affidavit by mark about Viola Warrior? A Yes.
Q What did you mean by that? A The child was give to me and I was taught that if anybody gives you a child it goes by your name.
Q Was this affidavit made out December 22, 1902 before J.C. Harper, was this affidavit read to you? A The man that made the affidavit was Tillingsworth.
Q Was that sworn to by you? A Yes, sir.
Q Was it read to you? A I don't remember.
Q Do you sign things that are not read to you, don't you know you ought to understand what you sign. I will read it to you now. (reads affidavit)? A That wasn't read to me before, for it was an adopted child.
Q You never had a child named Viola Warrior yourself? A No, sir.
Q Was it ever called anything else that you know of? A No, sir, everybody calls it Viola Warrior.
Q What was the name of the mother of that child? A Mary Rogers.
Q What was the name of the father? A Henry Jackson.
Q Was Henry Jackson a citizen of the Creek Nation? A Yes, sir.
Q Is he living? A Yes, sir.
Q Is this child living? A Yes, sir.
Q Was he married to your daughter Mary Rogers? A Yes, sir.
Q At the time the child was born? A Yes, sir but they separated.
Q And the child was brought to you and you called it by your name? A Yes, I adopted the child when it was six months old, she gave it to me.
Q Was that before or after the death of Mary Rogers? A Before.
Q How long after she gave it to you before she died? A I guess she lived nine months, may be longer.
Q How did it come she gave you the child? A She was sickly not able to take care of it.
Q Did she live in the same house with you? She came when it was six months old and lived with me.

Q Then why do you say she gave you the child if she was right there?
 A She told me to take it and raise it for her.
 Q You don't mean to say she gave you the child and went off? A No.
 Q But she meant to turn it over to you, did you get legal papers?
 A I got papers.
 Q Have you them with you? A No, sir.
 Q Did you ever hear this child called anything else? A No, sir.
 Q Didn't Henry Jackson ever call it anything else? A Yes, you know people always give children plenty of nicknames; Tab and Victoria, we called her Tab, at school Victoria.
 Q And made application for it as Victoria? A Yes, sir those were nicknames.
 Q Didn't you know you did wrong to sign an affidavit and say this child was born to you and in making application for it in the Chickasaw Nation under a different name, don't you know that's wrong? A I didn't try to get it here. Henry told me it would have to go with me; that's the reason I done that.
 Q Then this child you applied for as your child, by mistake as your child, under the name of Viola Warrior and the child that was called Queen Victoria Jackson is one and the same child? A Yes, sir.
 Q The father is Henry Jackson and the mother was your daughter Mary Rogers? A Yes, sir.
 Q In this affidavit that you made an affidavit for it in the Chickasaw Nation you state that you are the lawful wife of Jesse Warrior, is that correct? A Yes, sir.
 Q Was he the father of this child? A No, sir.
 Q The affidavit says so? A That was a mistake, I didn't tell them he was the father.
 Q Were you present when this child was born? A Yes, sir.
 Q Who was midwife? A Julia Bruner.
 Q Wouldn't the father of this child know better what its name was than you? A I don't see why; I gave it that name.
 Q You think it ought to be called Warrior because she gave it to you to be cared for? A Yes, sir, I was raising it.
 Q But it was born in lawful wedlock? A Yes, sir.
 And in lawful wedlock a child takes the name of its father.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me
 this 5 day of March 1906.

Anna Garrigues
Edward Merriam
 Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Queen Victoria Jackson as a Creek freedman.

DECISION.

The record in this case shows that on March 20, 1902, there was filed by Henry Jackson, the affidavit of Julia Bruner, as midwife, as to the date of the birth of Queen Victoria Jackson, the daughter of the said Henry Jackson. Further proceedings in the matter of said application were had on September 14, 1905, September 27, 1905, December 6, 1905 and March 5, 1906.

The evidence in the case shows that the minor applicant is the child of Henry Jackson, who is identified upon the authenticated 1890 tribal roll of the Creek Nation, page 70, Canadian Colored Town, and who is included in the partial list of Creek freedmen, approved by the Secretary of the Interior March 28, 1902, opposite number 4883 thereof, and of Mary Rogers, the wife of said Henry Jackson, who was not a citizen of the Creek Nation. It further appears that said applicant was born April 21, 1898, and was living at the date of the last proceedings had herein.

It further appears that on December 23, 1902, Angeline Warrior made application before the Commission to the Five Civilized Tribes for the enrollment of a minor, Viola Warrior, as a freedman of the Chickasaw Nation, which application is still pending. It further appears that Queen Victoria Jackson, the applicant herein, and Viola Warrior, for whom application was made by Angeline Warrior for enrollment as a Chickasaw freedman, are one and the same person; that Angeline Warrior is a Chickasaw freedman and the mother of Mary Rogers, the wife of Henry Jackson and the mother of the applicant herein; that Henry Jackson separated from his said wife in the year 1898, and said wife went to live with her mother in the Chickasaw Nation; a few months thereafter, the said wife died, leaving the applicant herein to be raised by the grandmother. It does not appear that said child has ever been formally adopted by the grandmother, Angeline Warrior. It appears that the application made on behalf of the minor applicant by her father for her enrollment in the Creek Nation was made prior to the application of said grandmother for her enrollment as a freedman of the Chickasaw Nation. It further appears that on September 27, 1905, the said father elected to have the applicant enrolled as a freedman of the Creek Nation.

Section 21 of the Act approved June 28, 1898 (30 Stats., 495) provided in part:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

2.

It is, therefore, ordered and adjudged that the said Queen Victoria Jackson is entitled to be enrolled as a Creek freedman, in accordance with the Acts of Congress approved June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861) and the application for her enrollment as such is accordingly granted.

Muskogee, Indian Territory,



COMMISSIONER.

January 18, 1907.

2873
H. A. 26
Muskogee, Indian Territory, November 17, 1903.

Henry Jackson,

Brush Hill, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit relative to the birth of your minor child, Queen Victoria Jackson, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,


Chairman.

B. A. 86.

Dustin, Indian Territory, October 12, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith testimony taken September 14 and
27, 1905, in the matter of the application for the enrollment of
Queen Victoria Jackson as a Creek Freedman.

Respectfully,

W. H. May
Clerk in Charge Creek Field Party.

COMMISSIONED TO FILE	
47342	
1905	OCT 14 1905

Possey, Alex.
 Dustin, I.T.,
 Creek Nation
 Oct. 12, 1905.

Transmits testimony in re
 application for enrollment of
 Queen Victoria Jackson as a
 Creek Freedman.

CREEK ENROLLMENT.]

Muskogee, Indian Territory. November 11, 1905.

Clerk in Charge.

Choctaw-Chickasaw Enrollment Division.

Dear Sir:

There is herewith enclosed a copy of the testimony of September 27, 1905, in the matter of the application for the enrollment of Queen Victoria Jackson as a Creek Freedman. It appears from the testimony of Henry Jackson, the father of said child, that application has been made for the enrollment of said Queen Victoria Jackson (as Viola Warrior), as a citizen of the Chickasaw Nation. The father of said child elects her to be enrolled as a citizen of the Creek Nation.

You are requested to advise the Creek Enrollment Division whether or not application has been made for the enrollment of said Queen Victoria Jackson as a citizen of the Chickasaw Nation, and if so, what disposition has been made of same.

Respectfully,

Commissioner.

En. 990 ✓ WOS
REFER TO ONLY TO THE FOLLOWING:
17-1460

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 14, 1905.

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 11, 1905, inclosing copy of the testimony of Henry Jackson in the matter of the application of Queen Victoria Jackson for enrollment as a Creek freedman.

It appears from the testimony of Henry Jackson that application has been made for the enrollment of said child under the name of Viola Warrior as a citizen of the Chickasaw Nation and her father elects to have her enrolled as a citizen of the Creek Nation; you therefore request to be advised whether or not application has been made for the enrollment of this child as a citizen of the Chickasaw Nation and if so what disposition has been made thereof.

In reply to your letter you are advised that it appears from the records of this office that application has been made for the enrollment of Viola Warrior, child of Jesse Warrior and Angelina Warrior as a Choctaw freedman but no disposition has been made of this application. You are requested to advise the Choctaw-Chickasaw Division when final disposition is made of the application for the enrollment of Viola Warrior (as Queen Victoria Jackson) as a citizen.

Bn.990

Muskogee, Indian Territory, November 21, 1905.

Henry Jackson,

Muskogee, Indian Territory.

Dear Sir:

Further evidence is desired in the matter of the application for the enrollment of your minor child, Queen Victoria Jackson (alias Viola Warrior), as a Creek freedman.

You are requested to appear, within fifteen days from date, at the office of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, with Angeline Warrior, for the purpose of being examined under oath.

Respectfully,

Acting Commissioner.

En.990

Muskogee, Indian Territory, November 21, 1905.

Chief Clerk,

Choctaw-Chickasaw Enrollment Division.

Dear Sir:

You state in your letter of November 14, 1905 (17-1400), that Viola Warrior, an applicant for enrollment as a Choctaw freedman, is the child of Jesse Warrior and Angeline Warrior.

It appears from the testimony of Henry Jackson in the matter of the application for the enrollment of Queen Victoria Jackson, as a Creek freedman, that Queen Victoria Jackson is the same person as said Viola Warrior and that she is the child of Henry Jackson and Mary Rogers.

You are requested to furnish the Creek enrollment division with a copy of the testimony or affidavits on file in the Choctaw case showing that Jesse and Angeline Warrior are the parents of said Viola Warrior (alias Queen Victoria Jackson).

Respectfully,

(Signed) Geo. A. Rodgers
acting Commissioner
GRD

90

DO NOT WRITE IN THESE SPACES

7-1460

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 24, 1906.

Chief Clerk,

Creek Enrollment Division,

Dear Sir:

In compliance with your request of November 21, 1906, there are inclosed herewith copies of affidavits on file in the matter of the application for the enrollment as a Choctaw freedman of Viola Warrior, child of Jesse and Angeline Warrior who it appears is identical with Queen Victoria Jackson, an applicant for enrollment as a Creek freedman.

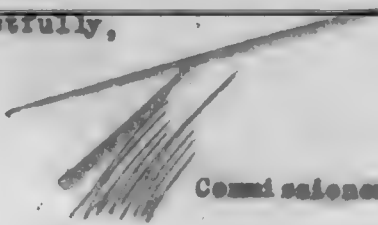
Respectfully,

Geo. D. Rodgers
Acting Commissioner.

HB 4-25.

men of the Creek Nation.

Respectfully,

A handwritten signature, possibly "J. B. ...", written in dark ink. The signature is somewhat stylized and appears to be written over a horizontal line.

Commissioner.

✓ + 990
Brush Hill, I.T. Nov. 28, 1905.

Mr. Henry Jackson,

Dear Sir:

I received your letter glad to hear from you.
It found us well and doing nicely at present hoping it to find
you and family the say. Now I have filed myself and if you can file
for Tad go on and do so. I cant come up there now I could not
get to town Tuesday so I will send your turkey Wednesday as I
cant get to town before then. I will send the letter you sent
me. So you just go and file for Queen if you can.

I am

Angeline Warrior

Muskogee, Indian Territory. March 7, 1906.

Chief Clerk,

Choctaw-Chickasaw Enrollment Division,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith copy of testimony taken March 5, 1906 in the matter of the application for the enrollment of Viola Warrior, as a citizen of the Creek Nation.

Respectfully,

2-9

Acting Commissioner.

Muskogee, Indian Territory, Jan 17th 1907.

Commissioner to the Five

Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Creek Nation hereby waives protest in this case, reserving to itself, however, the right to attack the enrollment of this person if after investigation it is found that said enrollment was obtained upon fraudulent evidence.

Respectfully,

W. L. Mott

Creek National Attorney.

NOTE IN SENT TO THE FOLLOWING:

March 2, 1892.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 2, 1892.

Henry Jackson,

Brassfield, Indian Territory.

Dear Sir:

You are hereby advised that on February 27, 1892, the Secretary of the Interior approved the enrollment of your slave child, Susan Victoria Jackson, as a Creek Freedman, whose name appears opposite Creek Freedman roll number 6674.

Said child is now entitled to allotment, and application therefor should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR

EN 991

CR EN 991

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Burney, I. T., September 8, 1908.

In the matter of the application for the enrollment of Pus Blunt as a citizen by blood of the Creek Nation.

LYDIA THOMPSON, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Lydia Thompson.
Q How old are you? A I do not know my age. I suppose I am about forty years old.
Q What is your post office address? A Burney, I. T.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Hitchitee.
Q Do you know Pus Blunt? A Yes, sir.
Q Is he living? A He is dead.
Q What relation was he to you? A No relation.
Q Do you know when he died? A He died in December, just before Christmas. I do not know the year.
Q How many years has it been since he died? A We removed here from Texas eight years ago and Pus Blunt died three years after we moved here.
Q Did you ever execute an affidavit relative to his death? A I have executed two affidavits. The first affidavit was not correct, as to the year and I executed another.
Q Was the last affidavit which you executed correct? A Yes, sir.
Q Did you have any record to go by when you executed the first affidavit? A No, sir.
Q Did you have a record when you executed the last affidavit? A We had no record but we investigated the matter thoroughly before making the affidavit. The first one was fixed up for us by Charley Gibson at Muskogee and the second we executed at Muskogee.
Q Was Pus Blunt a man or woman? A Pus Blunt was a woman. She was older than I am.

BILLY THOMPSON, being duly sworn, testified as follows:

Through Lydia Thompson, who was duly sworn as Quasarte Interpreter, and Alex Posey Official Creek Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Billy Thompson.
Q How old are you? A something like fifty.
Q What is your post office address? A Burney.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Quasarte No. 1.
Q Did you know Pus Blunt? A Yes, sir.
Q Was she related to you? A she was related by clan.
Q Do you know when she died? A she died near Christmas time.
Q Do you know in what year? A No, sir.
Q How long has she been dead? A I think she has been dead something like seven years.
Q How long has it been since you removed to the Creek Nation from Texas? A I moved here in May, eight years ago.
Q How long had you been living in the Creek Nation when Pus Blunt died? A she died in the December of the third year after we removed here from Texas.
Q Did you ever execute any affidavits relative to her death? A Yes, sir, I executed two affidavits.

1.15-4-2.

- Q In the first affidavit executed by you August 17, 1901, you stated that Pus Blunt died December 24, 1898, and in the second affidavit executed by you October 26, 1901, you stated that she died December 24, 1899. Which of the two affidavits is correct? A The last affidavit I executed was correct.
- Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
- Q Did Pus Blunt die before or after the opening of the Creek Land Office? A She died in December of the same year the people first began making selections of land.
- Q Are you positive of that? A Yes, sir.

LYDIA THOMPSON recalled:

- Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
- Q Did Pus Blunt die before or after the opening of the Creek Land Office? A She died after the land office was opened.
- Q In the same year? A Yes, sir.
- Q Are you positive that she died after the land office opened? A Yes, sir. I am as certain as I can be of anything.
- Q Do you know whether or not any record was made of her death? A No, sir.
- Q Has Pus Blunt any immediate relatives living? A She has no living relatives except a grandchild who is making his home with us.
- Q What is his name? A Phillip Blunt. He is not at home today. He went to Henryetta. I expect to be in Bufala tomorrow and if he comes home I will bring him with me.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said case on said date.

Subscribed and sworn to before me this 16 day of October, 1900.

Edw. C. Skaggs
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Burney, T. T., September 27, 1905.

In the matter of the application for the enrollment of Pus Blunt, deceased, as a citizen by blood of the Creek Nation.

JEFF DAVIS, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Jeff Davis.
Q How old are you? A About thirty-eight.
Q What is your post office address? A Burney.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Eufaula Canadian.
Q Did you know Pus Blunt? A Yes, sir.
Q Do you know when she died? A I don't remember what time she died, but I remember she died.
Q Do you know in what year she died? A Yes, sir, in 1899.
Q What season of the year did she die? A In the Winter, just before Christmas.
Q Are you sure she died in the Winter of 1899? A Yes, sir.
Q Are you a Texas Creek? A Yes, sir.
Q When did you come to the Creek Nation from Texas? A I came to this country in 1899.
Q What time in 1899 did you arrive? A Along about April.
Q Did Pus Blunt come here at the same time? A Yes, sir, we came together.
Q Did she die in that same year? A Yes, sir.
Q Was Pus Blunt a full blood Indian? A Yes, sir.
Q To what town did she belong? A I don't know. Some of them a long time ago thought she belonged to Hitchitee.
Q Was she a relative of yours? A No, sir.
Q Did she die before March 1, 1901? A Yes, sir.
Q Do you know why she had made no application for enrollment before she died? A I thought she made application at Okmulgee, but when I made application they told me she had not.
Q Billy and Lydia Thompson swear that they moved here from Texas eight years ago and that Pus Blunt died three years after they moved here? Are they mistaken? A Yes, sir. They came by land and we came on the train.
Q Did you all live together down in Texas? A No, sir, we didn't live together but lived close.

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I, D. C. Shaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Shaggs

Subscribed and sworn to before me this 16 day of October 1905.

C. W. L. S. S. S.
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Puss Blunt, deceased, as a citizen by blood of the Creek Nation.

SUPPLEMENTAL STATEMENT.

Tribal rolls of the Creek Nation in the possession of this Office examined and Puss Blunt is not identified thereon.

Records of the proceedings of the Colbert Commission in the possession of this Office examined, and it does not appear that application was made to said Commission for the admission of the applicant herein to citizenship in the Creek Nation.

Record of the proceedings of the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896 (29 Stats., 381) examined, and it does not appear that application was made for the admission of said Puss Blunt to citizenship in the Creek Nation.

Muskogee, Indian Territory,
NOVEMBER 14, 1905.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Puss Blunt, deceased, as a citizen by blood of the Creek Nation.

.....DECISION.....

The record in this case shows that on August 17, 1901, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavit of Lydia Thompson relative to the death of her aunt, Puss Blunt, which said affidavit is considered as an application for the enrollment of said Puss Blunt, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had September 8, September 27, and November 14, 1905.

The evidence shows that said Puss Blunt, deceased, has never been enrolled as a citizen of the Creek Nation and that she has never been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory.

The evidence further shows that said Puss Blunt, deceased, was not residing in the Creek Nation on May 25, 1901, she having died prior to said date.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Puss Blunt, deceased, as a citizen by blood of the Creek Nation, and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory.

Commissioner.

JAN 12 1906

D. A. 16.

Eufaula, Indian Territory, September 19, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith testimony taken September 8, 1905, in the matter of the application for the enrollment of Puc Blunt, deceased, as a citizen by blood of the Creek Nation, together with a copy of the testimony in Creek enrollment case number 179.

I am unable to secure further evidence in said case.

Respectfully,

Alto Pross
Clerk in Charge Creek Field Party.

INDEXED

COMMISSIONER TO THE	
No.	Received
13821	
1905 SEP 20 1905	

Possey, Alex,
Eufaula, I. T.,
Creek Nation,
Sep. 19, 1905.

Transmits testimony in re
enrollment of Pus Blunt,
deceased, together with
copy of testimony in
Creek enrollment case No.
179.

CREEK ENROLLMENT

7434

REFER IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Wahogee, Indian Territory, September 23, 1906.

Alex Fesey,

Cherk in Charge Creek Enrollment Field Party,

Wafaula, Indian Territory.

Dear Sir:

Receipt is acknowledged of your communications of September 19, 1906, enclosing copies of testimony in the cases of Litia (deceased) and Pus Hunt (deceased).

The copies of said testimony are herewith returned you; and you are directed to ascertain in these cases, and in all cases of Texas Creeks that you are investigating, whether or not the persons involved are full-blood Creek Indians, and whether they died before or after March 1, 1901.

Respectfully,

W. O. Beall
Acting Commissioner.

JYM-22-2

Mustang Indian Territory, October 12, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

There is enclosed herewith testimony taken September 8 and 27, 1905, in the matter of the application for the enrollment of Gus Blunt, deceased, as a citizen by blood of the Creek Nation, together with your communication of September 22, 1905, in relation to said case.

I transmitted testimony in the case of Litia, deceased,
(D. A. 53) October 2, 1905.

Respectfully,

Wm. Reed
Clerk in Charge Creek Field

INDEXED

COMMISSIONED TO FIVE YEARS

No.

Received

47341
1905

OCT 14 1905

Possey, Alex,

Quapaw, I.T.

Oct. 12, 1905.

transmits testimony in re-
application for enrollment
of Pus Blunt, deceased,
as a Creek citizen.

CREEK ENROLLMENT

Cr. Mn. 991

Muskogee, Indian Territory, January 13, 1906.

Lydia Thompson,

Burney, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Pass Blunt, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

A4-7

Cr. No. 901

Muskogee, Indian Territory, January 13, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Puss Blunt, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-8

✓
Cr.En.991.

Muskogee, Indian Territory, January 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Pass Hunt, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1906.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

AS-9

I.T.D.9058-1906
IRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON. May 22, 1906. LJB

GR

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

~~The Department hereby affirms your decision of January 12, 1906~~
denying the application for the enrollment of Puss Blunt, deceased,
as a citizen by blood of the Creek Nation, in accordance with the
recommendation of the Indian Office of May 17, 1906. A copy of its
letter is inclosed for your information.

Respectfully,

1 inclosure

Jesse E. Wilson
Assistant Secretary

Refer in reply to the following:

Land

5458-1906

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington. May 17, 1906

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 13, 1906 transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation of Puss Blunt, deceased.

January 12, 1906 the Commissioner decided adversely to the application.

The record shows that Puss Blunt has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal; and that she died prior to May 25, 1901.

In view of the record and of Sec. 7 of the act of June 30, 1902 (32 Stats., 500) the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

C.F. Larrabee
Acting Commissioner

MM

C

Cr.En.991.

Muskegee, Indian Territory, June 1, 1906.

Lydia Thack

Burney, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, under date of May 22, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 13, 1906, denying the application for the enrollment of Puss Blunt, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

Cr.No.991.

Muskogee, Indian Territory, June 1, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of May 22, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 13, 1906, denying the application for the enrollment of Fuss Blunt, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

CR EN 992

S

CR EN 992

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Maria Sears, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on September 9, 1904, there was filed with the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, the affidavits of Maria Sears and W. O. Morrison, which affidavits are considered in the nature of an original application for the enrollment of Maria Sears as a citizen by blood of the Creek Nation. On January 11 and 28, 1907, letters were addressed to said Maria Sears, at her post-office in Butler, Missouri, notifying her that she might, if she desired, introduce witnesses in the matter of her alleged rights in the Creek Nation. Copies of said letters are attached to and made a part of the record herein.

It does not appear from the evidence or the records in the possession of this office that the applicant is or ever has been a resident of Indian Territory, or that she has ever been admitted to citizenship in the Creek Nation by the Creek Tribal authorities, the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896, or the United States Court in Indian Territory, on appeal or that her name appears on any of the authenticated tribal rolls of the Creek Nation.

It is, therefore, ordered and adjudged that the applicant Maria Sears is not entitled to be enrolled as a citizen by blood of the Creek Nation and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory.


COMMISSIONER.

FEB 23 1907

State of Missouri

County of Bates

SS

I W.O.Morrison hereby certify that I was personally acquainted with Aunt Patsey a free woman who was of the McIntosh family of Indian birth and I know that Marie Sears who was Maria Porter daughter of Elizabeth Porter she derived her surname by living on the Porter farm in Allen County Kentucky and she Elizabeth Porter was the daughter of Aunt Patsey and I have often heard Elizabeth Porter say when she got able she was going back to her people her tribe in the Creek nation and that John Sears is the husband of Maria Porter now Sears.

W.O.Morrison

Subscribed and sworn to before me this 8 day of September 1904

Wm F. Hemstreet
Notary Public.

Com Ex May 4 1907

State of Missouri

County of Bates SS

I Maria Porter now Sears am the daughter
of Elizabeth Powter who was the daughter of Aunt Patsey as she
was always called and that was all the name she had and she was
of the McIntosh family We lived in Allen county Kentucky
I have often heard my mother and grand mother say they were
of the Creek tribe of Indians and she was a full blood Creek
Indian woman.

her
Maria Sears
S.A. McDaniel, witness mark

Subscribed and sworn to before me this 8th day of
September 1904

I believe from her features that she is of Indian berth and
that John Sears is the husband of Maria Sears

Wm F Hemstreet
Notary Public.

Com ex May 4 1907

P.S. Please give me any information that will be necessary
to establish this claim.

Cr.An.992.

Muskogee, Indian Territory, February 23, 1907.

Maria Sears,

c/o John Sears,

Butler, Missouri.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
LM-447.

Cr. En. 992.

Muskogee, Indian Territory, February 23, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Maria Sears, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

IM-448.

Cr.Mn.002.

Muskogee, Indian Territory, February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Marie Searns, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

IM- 449.

Through the Commissioner
of Indian Affairs.

COPY

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

20448

Land.

Washington.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 23, 1907, relative to the application for the enrollment of Maria Sears as a citizen by blood of the Creek Nation, together with the decision of the Commissioner of February 23, 1907, denying the application.

The Office has examined the record in this case and finds the conclusions of the Commissioner to be correct.

His decision denying the application is recommended for approval.

Very Respectfully,

C. F. Larrabee.

Acting Commissioner.

J.P.
O.K.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LRS.

March 4, 1907.

I . T. D.

6134, 6244, 7083, 7084-07.
7128, 7226, 7330, 7234-07.
7238, 7248, 7252, 7260-07.
7336, 7340- 07.

DIRECT

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir: -

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

Title of Case.

Date of your
Letter of Transmittal.

Henry Lowe,	February 16, 1907.
Mary Rogers, deceased (Freedman),	February 13, 1907.
Ellen Primer (Freedman)	February 21, 1907.
Charley Williams, deceased (Freedman)	February 14, 1907.
Clarence Bruner (Freedman),	February 23, 1907.
<u>Maria Sears,</u>	February 23, 1907.
Homer Whetzel, (Freedman),	February 23, 1907.
Emma Mason, et al (Freedman),	February 2, 1907.
Leanna Johnson, (Freedman)	February 2, 1907.
Anna Charlescy, deceased,	February 18, 1907.
Rose Bell Drew (Freedman)	February 18, 1907.
Hubert Humphreys (Freedman)	February 16, 1907.
Little Docter, deceased,	February 20, 1907.
Lenard Davis, (Freedman),	February 21, 1907.

A copy of all the papers in the above mentioned cases have been sent to the Indian Office.

14 inc. and 28 inc.
for Ind. Of.

Respectfully,

H.A. Hitchcock
Secretary.

Cr. No. 929.

Huskagee, Indian Territory, March 14, 1907.

Maria Sears,

c/o John Sears,

Butler, Missouri.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of yourself as a citizen of the Creek Nation.

Respectfully,

Commissioner.

LM

CR EN 993

CR EN 993

See mem 3325

* 193

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, NOV. 15, 1905.

In the matter of the application for the enrollment of Peter Snyder, et al., Mary Ann Snyder, et al., and Theodore Berryhill, et al., as citizens by blood of the Creek Nation.

Edw. Brook appears as attorney for applicants:

No appearance by attorney for the Creek Nation:

Thomas H. Berryhill being first duly sworn testifies as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Thomas H. Berryhill.
Q How old are you? A Sixty.
Q What is your post office address? A Red Fork.

Witness is identified as Thomas H. Berryhill on Creek Indian Card, field No. 799, and his name is found on a partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior March 13, 1902, opposite number 8582.

EXAMINATION BY ATTORNEY BROOK:

- Q How old are you Mr. Berryhill? A Sixty years.
Q Did you know John Rutledge Berryhill? A Yes, sir.
Q Who was he? A He was a son of John Dallas Berryhill.
Q Do you know Theodore Berryhill? A Yes, sir.
Q Do you know Mrs. Mary Ann Snyder? A Yes, sir.
Q Do you know or did you know the father of Theodore Berryhill here and Mrs. Snyder? A Yes, sir.
Q Who was the father of these applicants? A John Rutledge Berryhill.
Q Who was the father of John Rutledge Berryhill? A John Dallas Berryhill.
Q Is John Dallas Berryhill alive? A No, sir.
Q Dead? A Yes, sir.
Q When did he die? A I couldn't tell.
Q Was John Dallas Berryhill a citizen of the Creek Nation? A Yes, sir.
Q Do you know whether he was on the old settlers roll as a Creek citizen? A I will answer the question like old Judge Moore and I guess he was on the roll. All the old citizens were.
Q Do you know when John Dallas Berryhill died? A No, sir.
Q I don't know what year he died; I knew when he died, but what year I couldn't tell you.
Q Do you know whether or not John Rutledge Berryhill was on the roll as a Creek citizen or not? A Yes, sir, he was on the roll.

2.

Q What percent of Indian blood did John Dallas Berryhill have? A One-half.

Q What per cent of Indian blood did John Rutledge have? A One-quarter.

Q Are Theodore Berryhill and Mrs. Snyder, the applicants, citizens by blood of the Creek Nation? A Yes, sir.

Q What per cent have they? A One-eighth.

Q What kin is Theodore Berryhill to you? A Brother and sister.

Q Do you know whether Theodore Berryhill and Mrs. Snyder were ever on the roll as Creek citizens or not? A Yes, they was on the roll, never could have got the old settler's money if they hadn't been.

Q Do you know whether or not application was made by these two applicants for enrollment as citizens or whether application was ever made or not? A Well now what do you mean?

Q By the Council? A Yes, sir.

Q In what year did they make application to be enrolled as citizens of the Creek Nation? A The first year they made application was in 1884.

Q 1884? A Yes, sir.

Q Were you present at the time application was made? A No, sir, I wasn't present when it was introduced at the council.

Q Do you know what was done with the application at that time? A It was just continued.

Q Do you know whether the application was again ~~renewed~~ renewed by Mr. Berryhill and Mrs. Snyder? A Yes, sir.

Q In what year was that? A 1891.

Q Were you present in Okmulgee in 1899 when an application was made by these people for enrollment? A I don't know as ~~in~~ they ever had an application. I was there of course.

Q Do you remember under what act you were admitted as a citizen of the Creek Nation? A Yes, sir, by Act of Council.

Q What year was that? A 1890.

Q 1890. Do you remember what month? A In October.

Q October 1890. Do you remember Judge Stidham? A No, I don't know. I wasn't acquainted with him myself.

Q Will you state to the Commission whether or not you ever saw a list of the Berryhill's that were enrolled under the Act of October 28, 1890? A Well now that - I never did see that old list.

Q Do you know whether or not John Dallas Berryhill was enrolled under what was known as the old settlers roll of Creeks? A Yes, sir, he was enrolled.

Q Do you know whether or not he drew the old settler's money? A Yes, sir.

Q Did the father of Theodore Berryhill, who was on the authenticated roll of Creeks, share in the payment of this money? A Yes, sir.

Q Is the present applicant here, Theodore Berryhill the son of John Rutledge Berryhill? A Yes, sir.

Q What town do you belong to? A Broken Arrow.

Q What town did John Dallas Berryhill and John Rutledge Berryhill belong to? A Broken Arrow.

Q Do you know when John Dallas Berryhill came to Indian Territory? A He came here - there was two different times he came here; he came here the first time -

Q Did he come here during '28 and '38? A Yes, sir, he emigrated here.

Q Then again between the years 1850 and 1860 did he come to Indian Territory? A Yes, sir.

Q How long did he remain here? A Lived here about six years.

Q Between the years 1850 and 1860 was the old settlers money paid by the Creek Indians? A Yes, sir.

Q Did John Dallas Berryhill participate in this payment - I mean by participate did he share in this money? A Why yes

Q Do you know how much money he received from the Creek Nation at that time? A Some where around, towards sixteen hundred dollars was what he brought back with him.

Q You may state whether or not the applicants, Theodore Berryhill and Mrs. Snyder and Peter Snyder, shared in this distribution of the fund? A Peter Snyder didn't.

Q Did the two applicants Theodore Berryhill and Mrs. Snyder? A Yes, sir, they did just as I did.

Q Then you may state to the best of your knowledge and belief whether or not the applicants, Theodore Berryhill and Mrs. Snyder were placed on the roll and by their grandfather John Dallas Berryhill in order that they might share in the distribution of funds known as the old settlers money? A Yes, sir.

Q Then to the best of your information, knowledge and belief under the Act of October 28, 1890 the Creek Council, the applicants Mrs. Snyder and Mr. Berryhill, were made citizens of the Creek Nation; in other words their names were all listed separately? A They were on the old roll.

Q And this partial roll contained their names showing that they had been recognized as Creek citizens? A Yes, sir.

Q Have they continuously lived or resided in the Creek Nation since that time? A My ~~hus~~ brother has but my sister was only here part of the time.

~~Q Do you know the names of the applicants?~~
Q Do you identify the applicants here as your brother and sister? A Yes, sir.

Q Do you know Stanford Berryhill? A Yes, sir.

Q What relation exists between the applicants and Stanford Berryhill? A First cousins.

Q Do you know Andrew Berryhill? A Yes, sir.

Q What relation exists between the applicants and Andrew? A Double cousins.

Q Do you know Perry Berryhill? A Yes, sir.

Q Is he a citizen of the Creek Nation? A Yes, sir.

Q What relation exists between the applicants and Perry Berryhill? A Cousins.

Q Who is Ara Ann Berryhill? A She was my uncle's wife.

Q You may state the name of your uncle? A G. W. Berryhill

Q Was he a citizen of the Creek Nation? A Yes, sir.

Q What per cent of Indian blood did he have? A One-quarter.

Q Is he living or dead? A He is dead.

Q Do you know when he died? A I don't know exactly when he died.

Q What kin was he to the applicants Theodore Berryhill and Mrs. Snyder? A Blood uncle.

Q Is Ara Ann Berryhill a citizen of the Creek Nation? A No, sir.

Q What kin was George W. Berryhill to Stanford? A Father.
 Q Do you know who was the chief or governor of the Creek Nation at the time this partial list of citizens was presented to the Council on October 28, 1890 for ratification or approval? A Yes, sir.
 Q Who was chief? A Legus Perryman was chief in 1890 because his name is on my certificate.

EXAMINATION BY COMMISSIONER:

Q Do you know of your own knowledge that Mary Ann Snyder and Theodore Berryhill were admitted by the Creek Council at the same time you were? A No, they was not as citizens when I was admitted.
 Q When were you first admitted? A 1890.
 Q And were they admitted in 1890 or not? A They were not.
 Q When were they admitted by the Council if ever? A Why they never have been admitted by the Council. They have been admitted on the old rolls.
 Q Do you know Zera Lloyd Berryhill? A No, sir.
 Q Do you know A. J. Berryhill? A Yes, sir.
 Q Is he related to Mrs. Snyder or Theodore Berryhill? A He is their cousin.
 Q Do you know John Pleasant Berryhill? A Yes, sir.
 Q Is he related to Mrs. Snyder? A Yes, sir.
 Q What relation is he to Mrs. Snyder? A Her nephew.
 Q Do you know Cora Frances Berryhill? A Yes, sir, she is a niece of Mrs. Snyder.
 Q Do you know Littleton Berryhill? A Yes, sir.
 Q What relation is he to Mrs. Snyder? A Brother.
 Q Do you know the names of the children of A. J. Berryhill? A Buford, Altie - now then there is Walter and Dude.
 Q Do you know any Mary Ann Berryhill who was admitted to citizenship by the Creek Council at the same time you were admitted? A Yes, sir.
 Q Who is she? A She is my daughter.
 Q That was October 28, 1890? A It was 1890.
 Q That was your daughter was it? A Yes, sir.
 Q Do you know any one named Theodore Franklin Berryhill? A Yes, sir, he is my son.
 Q Was he admitted to citizenship by the Creek Council at the same time you were? A Yes, sir.
 Q You don't know anything at all about the old settlers roll or old settlers payment except what was told you by your father? A Nothing more than that he come and give my mother the money.

The Theodore Franklin Berryhill referred to in the testimony of Thomas H. Berryhill is identified on the same card as his father, Thomas H. Berryhill, and his name is contained in the partial list of citizens by bleed of the Creek Nation approved by the Secretary March 13, 1902, roll number 2693.

Q Is your daughter Mary Ann Berryhill living? A Yes, sir.
 Q What is her name now? A Mary Ann Russell.
 Q Did she enroll and has she her land? A Yes, sir.

Q Was her name Russell at the time she was enrolled by the Commission? A No, sir.

Q What was her name then? A Mary Ann Berryhill.

Mary Ann Berryhill, daughter of the witness, is identified as Mary A. Russell on Creek Indian card, field number 376, and her name is contained in a partial list of Creek Indians by blood approved by the Secretary of the Interior March 13, 1902, opposite number 1221.

Witness excused.

O. P. Berryhill being duly sworn testifies as follows:

EXAMINATION BY COMMISSIONER:

Q What is your name? A O. P. Berryhill or Oliver P. Berryhill.

Q How old are you? A Fifty-six.

Q What your post office address? A Bixby.

Q You are a citizen of the Creek Nation are you? A Yes, sir.

Witness is identified as Oliver P. Berryhill on Creek card, field number 856 and his name appears opposite number 2766 upon a partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902.

EXAMINATION BY ATTORNEY BROOK:

Q How old are you Mr. Berryhill? A Fifty-six, I was born in 49.

Q Are you a citizen of the Creek Nation? A Yes, sir.

Q Have you been duly enrolled and recognized as a Creek citizen? A Yes, sir.

Q Have you selected your allotment in the Creek Nation? A Yes, sir.

Q When and by virtue of what act were you admitted to citizenship in the Creek Nation? A By the Creek Council in 1890.

Q Under the Act of October 28, 1890; is that correct? A 1889.

Q 1890 was it not? A Yes, sir.

Q Who was admitted with you at that time if you remember? A G. W. Berryhill, Stanford Berryhill, Columbus Berryhill, Martha Lee Berryhill -

BY COMMISSIONER:

Q Is she known as Martha Lee Kiefer? A Yes, sir, - Joe Shelby, Billy Berryhill, Theodore Berryhill, Franklin Berryhill; and now then there was Thomas H. Berryhill, Benjamin Franklin Berryhill, Littleton Berryhill; and now let me see there was A. J. Berryhill, Lizzie Berryhill -

Q Was she called Elisabeth America Berryhill? A Yes, sir, - then there was Belle Berryhill, Belle Smith it is now, -
 Q Was she called Mamie Isabelle? A Yes, sir, - Lucy Berryhill and Azie.
 Q Was that the same person as Rhoda Adeline Berryhill? A Yes, sir, Glenn it is now.

EXAMINATION BY ATTORNEY BROOK:

Q Is that all that you remember of at this time? A Yes, sir, that was admitted then.
 Q Who was the father of Mary Ann Berryhill and Theodore Berryhill the applicants in this case? A John Rutledge Berryhill.
 Q Who was the father of John Rutledge Berryhill? A John Dallas Berryhill.
 Q Do you know when John Dallas Berryhill came to Indian Territory? A Well now the exact year I can't tell you; it was some where between '50 and '60. But now the testimony was given in -
 Q I am not talking about the testimony that was given in; I am asking you - do you know whether he was an Indian by blood or not? A Yes, sir.
 Q What per cent of Indian blood did he have? A John Dallas Berryhill he was a half blood.
 Q Do you know whether he drew money under the old settlers payment or not? A Yes, sir.
 Q From what state did he come to Indian Territory? A He emigrated from Alabama here with the Indians.
 Q Listen to what I am asking you. Do you know ~~some~~ with whom he come to the Indian Territory? A With the McIntosh party.
 Q Do you know whether John Rutledge Berryhill came with him or not at that time? A Well I couldn't say whether he was born then or not.
 Q You don't know? A No, I don't know.
 Q Will you state to the Commission whether or not John Dallas Berryhill was the father of John Rutledge Berryhill? A Yes, sir.
 Q You may also state whether or not Theodore Berryhill and Mary Ann Snyder were the children of John Rutledge Berryhill? A Yes, sir.
 Q Well what relation, if any, do you bear to the applicants Theodore Berryhill and Mary Ann Snyder? A I am a double cousin.
 Q Was John Dallas Berryhill here between 1850 and 1860? A Yes, sir.
 Q Did he draw the old settlers money? A Yes, sir.
 Q Do you know whether or not the names of Theodore Berryhill and Mary Ann Snyder were placed upon a list of authenticated citizens as made from descendants of the old settlers roll? A Yes, sir.
 Q How do you know that? A When we were working for our citizenship here Judge Stidham was president of the Committee and he fit us and I - we had a witness that we had to take and she was sick - my own aunt - and I and uncle George went to Okmulgee to see when they could set a date, and Council

was adjourned and Stidham come past us, where we had just drove in, and he says "I believe you people goes bare-headed and with your sleeves rolled up to make yourselves look like Indians" and my uncle says "Why judge we don't have to do that. We have the blood in us" and he says "How much blood have I got, Judge" and he says "You are about one-sixteenth" and he says "your nephew is about one-thirty-second" and he says "No good, no good." And my uncle says "Ah ah!! How much blood have you Judge?" and he says "I have a little over one-half." And my uncle says "Which side did you get your blood from?" and he says "My mother's". And my uncle says "But the blood she got she got from the Berryhill's" and he says "you say you have one-half and I only 1/16 and I have more blood that you have." Now he says "Where are you camped?" and we told him; and he says "I will come and see you after supper." And he come. Now he says "Gentlemen I will tell why I fought you to the bitter end" and he says "There has been so many come here and got in under false pretence that I wanted to be sure that you are what you represent yourselves to be". Now he says "I know you are" and he says "What are your initials?"; and my uncle says "G. W."; and he asked who the other applicants were; and he says "I have a little piece of paper at my house that would be beneficial to you people." He says "When I was looking for John Self I was sent to Washington as a delegate"; and he says "I went to the record to get a copy of the Self family and when I went to get the Self family I had to take the Berryhill family for the Selfs originated from the Berryhills."; and he says "If you will pay my way on the mail hack to Muskogee I will get it and bring it back."; and he went and got it and he says "Don't you present this to the Council."; and he says "Just let them go ahead"; and he says "You take this paper to the ~~the~~ chief - you tell the chief that you want to enlarge your farm, and if you come back here next fall they will have to put you on."; and he says "Just put the paper in their face and defy them."; and we did that. They went right straight and rung the bell and it wasn't half an hour after they rung the bell until we were all citizens. His name and her name was on there.

Q Whose name? A T. it is on that list.

BY COMMISSIONER:

Q Do you mean the initial "T" or the name Tee? A The initial. I can't read but I have heard it read lots of times.

BY ATTORNEY BROOK:

Q Who is Theodora Berryhill? A He is the applicant here now for citizenship.

BY COMMISSIONER:

Q George W. Berryhill had a son admitted with him in 1890 did he not? A Yes, sir.

Theodore Berryhill, son of George W. Berryhill, is identified on Creek card, field number 974, and his name is

2.
contained in a partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior March 13, 1902, opposite number 2519. It appears from said card that said Theodore Berryhill was admitted by Act of the Creek Council October 28, 1890 as Theodora Berryhill.

BY ATTORNEY BROOK:

Q Who was George W. Berryhill? A He was a son of John Dallas Berryhill.

Q What kin was he to you? A Uncle.

Q What kin was he to Theodore and Mary Ann Berryhill? A Uncle.

Q To the best of your understanding and belief and all information that you could get, were the applicants Theodore Berryhill and Mary Ann Snyder on the list known as the old settlers list of Creek citizens? A Yes, sir, their initials were there. Thomas H. Berryhill was there in full.

BY COMMISSIONER:

THE

Q Who was Thomas H. Berryhill? A The witness here awhile ago - and Benjamin Franklin Berryhill was there; then there was T., one letter, but his family run down to the number of children.

BY ATTORNEY BROOK:

Q Then you say at the time you saw a list of citizens purporting to be those who were entitled to draw - or who did draw the old settlers money? A Yes, sir.

Q And on that roll or list you saw the names of the applicants? A I heard them read.

Q You heard them read? A Yes, sir.

Q Who was secretary at that time? Whose name was signed to that list? A No I can't say that I can.

Q You don't remember? A No, sir.

Q But you heard the list read over to you and you remember the names of T. Berryhill? A Yes, sir.

Q Was the T. Berryhill whose name you heard read considered the applicant here? A Yes, sir.

Q Do you remember the name of Mary Ann Snyder or Mary Ann Berryhill? A No, sir, the family was numbered off to the number of children; the name was Tom and then the number of his children.

Q Was John Rutledge Berryhill - was his name on this roll? A Yes, sir, ~~Richard~~ he headed it.

Q He headed the list? A Yes, sir, with his family.

Q Do you remember how many children John Rutledge Berryhill had? A Five.

Q Can you give the names of those children? A Thomas H. Henry Benton, Benjamin Franklin, then her name was there (indicating) Mary Ann -

Q Did she go by the name of Mary Ann or Peggy Berryhill? A Mary Ann or Peggy - Littleton Berryhill and then the next was T. That was the end of this family.

Q Were you acquainted with all the children of John Rutledge Berryhill? A Yes, sir.

Q You may state whether or not the names you have just given ~~me~~ were the only children that John Rutledge Berryhill had at that time? A Yes, sir.

Q Did he ever have any other children besides those just mentioned to your knowledge? A It seems to me like there was one died when it was little. These five were all I ever seen.

Q At the time you saw this list, or heard this list read & ever to you, I will ask you whether or not he had any other children other than the five you have just given? A No, sir.

Q Did you hear the names of those ~~names~~ read over at that time? A Yes, sir.

Q And in the reading did you identify these two applicants as those of his children? A Yes, sir.

Q Was that known as the old settlers roll? A Yes, sir.

Q Do you remember anything about how much money was received by George W. ~~Russ~~ Berryhill? A Well no, sir, I don't.

Q Just wait until I get through - in payment of his claim or share of the funds known as the old settlers payment? A No, sir, I have been told they got sixty odd dollars for the head, and that was only part of it; there was part of it they never did get and never have to yet.

Q Do you know whether Theodore Berryhill and Mary Ann Snyder, nee Berryhill, received their proportionate share of the old settlers money? A Yes, sir.

Q Then your family, known as the Berryhill family, according to your best knowledge and belief and whose names appear on this roll that you have just spoken about, drew this sixty dollars? A Yes, sir.

Q And the applicants composed part of that roll, is that correct? A Yes, sir.

BY COMMISSIONER:

Q Do you know whether this old settlers roll that you speak of was a roll prepared by the Creeks themselves or by the United States government? A By the United States.

BY ATTORNEY BROOK:

Q How do you know that? A I would suppose from what Stidham said by getting it. Well I suppose it was through the Creeks too, but he had to go to Washington to get the copy.

Q What you have testified to is just to the best of your information and belief is it? A Yes, sir.

Witness excused.

Arrie Ann Berryhill being duly sworn testifies as follows:

EXAMINATION BY COMMISSIONER:

Q What is your name? A Arrie Ann Berryhill.

Q How old are you? A I am about sixty-nine.

Q What is your post office address? A Mounds.

Q Are you a citizen of the Creek Nation? A No, sir, my husband was.
 Q You are the widow of George W. Berryhill are you? A Yes, sir, G. W.
 Q Did you have a son named Theodore Berryhill? A Yes, sir.
 Q Was he living at the time your husband was admitted to citizenship by the Creek Council in 1890? A Yes, sir.
 Q Was he admitted to citizenship at the same time? A Yes, sir.

EXAMINATION BY ATTORNEY BROOK:

Q Who was George W. Berryhill? A Why he was my husband.
 Q Is he living or dead? A No, sir, he is dead.
 Q Do you know about when it was he died? A He has been dead seven years.
 Q Do you know whether he was on the roll as a citizen? A Yes, sir, I do.
 Q Do you know when he came to Indian Territory? A Well we have been here twenty years.
 Q What kin was your husband G. W. Berryhill to John Rutledge Berryhill? A Brothers.
 Q What kin was John Dallas Berryhill to John Rutledge Berryhill? A He was his son.
 Q Do you ever remember seeing John Dallas Berryhill? A Yes, sir.
 Q Do you ever remember seeing John Rutledge Berryhill? A Yes, sir, many a time.
 Q Do you know whether John Rutledge Berryhill and John Dallas Berryhill drew the old settlers money? A I knew John Dallas Berryhill drew the money.
 Q How do you know that? A Because he fetched it the money and gave it to me and I put it away - between fourteen and fifteen hundred.
 Q Where were you living at the time? A Missouri, Buchanan County.
 Q How did he have the money? A He had it in a sack, it was all in gold pieces.
 Q You say it was between 14 and 1500 dollars? A Yes, sir.
 Q Do you remember what year that was? A No, sir.
 Q About what time was it? A I declare if I can tell you.
 Q Well did John Rutledge Berryhill come to the house with John Dallas Berryhill? A No, sir, he didn't.
 Q Well did John Dallas Berryhill come alone? A Yes, sir, he come alone home.
 Q Well do you know - was it '80, '60 or '70-when was it just about? Consult your memory - was it before the war or not?
 A Yes, sir.
 Q How many years before the war? A Well I don't know how long.
 Q About how many years? A He was dead long before the war, I don't know how many years he was dead before the war.
 Q Well do you know whether Theodore Berryhill and Mary Ann Snyder were alive at the time? A Yes, sir.
 Q Were they alive? A Yes, sir.

Q State to the Commission whether you had a talk with John Dallas Berryhill about the children for whom he drew the money? A Well of course, he said he drew that for his children.

Q For his children - did that include his grandchildren? A He didn't say his grandchildren, he just said his children. They all had children.

Q Do you know how many children John Rutledge Berryhill had at that time? A Five.

Q Give the names of the children that he had at the time if you remember? A Thomas, Franklin, Littleton, Theodore, Mary Ann.

Q Then do you know whether or not this money brought to you at that time by John Dallas Berryhill was money that had been paid to Theodore Berryhill for him and his grandchildren? Do you know? A No, sir, I don't know, only as he says.

Q According to what he said? A Yes, sir, that is all I know.

Q Do you know - what did he tell you? That the names of Theodore Berryhill and Mary Ann Snyder, nee Berryhill, were on the list at that time as citizens? A I don't know that he ever did.

Q Was John Rutledge Berryhill on the list? A I guess it was.

Q And these two children that are applicants, Theodore Berryhill and Mary Ann Snyder, were alive at that time? A Yes, sir, they was alive at that time.

Q Then will you state to the Commission to the best of your information, knowledge and belief that John Rutledge Berryhill was on the authenticated - in other words was on the old ~~settlers~~ settlers roll or what was known as the old settlers roll at that time? A Well I guess he was on the old settlers roll at that time.

Q Do you remember of your husband drawing any money after that time? A He drew twice after we come here.

Q Who is Stanford Berryhill? A He is my son.

Q Is he on the roll? A Yes, sir.

Q Who is Perry Berryhill? A The one you just had in here, O. P.

Q Is he a citizen of the Creek Nation? A Yes, sir.

Q What kin is he to Theodore Berryhill? A Cousin.

BY COMMISSIONER:

Q Did you and your husband return to the Creek Nation to live at the same time that the applicant Theodore Berryhill and the applicant Mary Ann Snyder returned? A Why we was here before any of them.

Q You came before any of them? A Yes, sir.

Q How long after this old settlers payment before you and your husband returned to the Creek Nation? A Long time.

Q How many years was it? A I couldn't tell you.

Q Do you know what year it was you and your husband returned to the Creek Nation? A It was the day before Christmas.

Q What year do you know? Was it in the 70's or the 80's or the 90's? A I couldn't tell you.

Q How long after you came before the applicants, Theodore Berryhill and Mary Ann Snyder, came to the Creek Nation? A Well I don't know how many years it was before they came here ~~xxxxxx~~ she went backwards and forth but stayed here most of the time.

Q At the time John Dallas Berryhill came home with this money how old a boy was the applicant Theodore Berryhill about? A I don't know how old he was; he was quite small.

Q Was he a young man? A No he was a boy.

Q About how old was Mary Ann Snyder, the applicant here? A They were both small.

Q About how old were they when they removed to the Creek Nation? A Well I don't know how they were.

Q Were they as much as forty? A I couldn't tell you.

Witness excused.

P. Porter being first duly sworn testifies as follows:

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A P. Porter.

Q How old are you? A Sixty-five.

Q What is your post office address? A Muskogee.

Q State what official position you hold in the Creek Nation?

A Chief of the Creeks, Principal Chief.

Q General did you ever hear or know of a roll said to have been made between 1850 and 1860 and called the old settlers roll? A Yes, sir, there was a payment made in 1856.

Q That was called the old settlers roll? A Yes, sir.

Q Do you know whether that roll was prepared by the Creeks or the United States Government? A I don't know but the chances are that it was made by the government because they made the payments then.

Q Have you that roll in your possession as Chief of the Creek Nation? A No, sir.

Q Did you ever have it in your possession? A No never have seen it.

Witness excused.

Theodore Berryhill being duly sworn testifies as follows:

EXAMINATION BY COMMISSIONER:

Q What is your name? A Theodore Berryhill.

Q How old are you? A Fifty-six.

Q What is your post office address? A Red Fork.

Q You are one of the applicants in this case are you not? A Yes, sir.

Q Have you a child known as Isadora Berryhill? A Yes, sir.

Q Is she living? A Yes, sir.

Q About how old is she? A She is twenty-two I believe.

Q Have you a child called Flora Elizabeth Berryhill? A Yes, sir, she is about nineteen.

Q Have you a child called Thomas G. Berryhill? A Yes, sir.

- Q Is he living? A Yes, sir.
- Q How old is he? A He is fifteen.
- Q At the time you made application for your enrollment you applied for all these children that I have named? A Yes, sir.
- Q Where were you born Mr. Berryhill? A Buchanan County, Missouri.
- Q How long did you live there? A How long did I live there? I lived there about forty-two years.
- Q In what year were you born do you know? A I was born in '49.
- Q In what year did you leave Missouri? A 1891.
- Q You were a grown man then when you left Missouri? A Yes, sir.
- Q Was it in 1890 or 1891? A 1891 when I came here.
- Q Did you ever vote? A Yes, sir.
- Q In Missouri? A Yes, sir.
- Q Did you ever vote for state officers in Missouri? A Yes, sir.
- Q Did you ever vote for United States officers when you were in Missouri? A Yes, sir, once I believe.
- Q Then in 1891 you came to the Creek Nation did you? A Yes, sir.
- Q You have been a resident of the Creek Nation continuously since that time? A Yes, sir.
- Q Do you claim to have drawn money in any of the Creek payments? A Why only what my grandfather drew, this old settlers money, he told us.
- Q Were you ever admitted to citizenship in the Creek Nation by the Creek tribal authorities? A Yes, sir, I suppose I was, my grandfather said he put us all on the rolls and drew the money for his children and grandchildren.
- Q Were you ever admitted to citizenship in 1890 or subsequent to that time? A No, sir.
- Q Did you draw money at the 1890 payment? A No, sir.
- Q Or the 1895 payment? A No, sir.
- Q What is the name of the mother of your children? A Her name is May L. Berryhill.
- Q Does she claim citizenship in the Creek Nation? A No, sir.
- Q She is a state woman? A Yes, sir.

EXAMINATION BY ATTORNEY BROOK:

- Q Who was John Rutledge Berryhill? A He was my father.
- Q Who was his father? A John Dallas Berryhill.
- Q Do you know where he came from to this country? A Alabama.
- Q Did he come to this country with the McIntosh haw party? Yes, sir, that is what he said.
- Q When were you born? A I was born in '49.
- Q Do you know what year the old settlers payment was made? A No I do not, between '50 and '60.
- Q You have understood then that between the years 1850 and 1860 the old settlers payment was made or had? A Yes, sir.

- Q And from your understanding from your grandfather, John Dallas Berryhill, you participated in the payment known as the old settlers payment? A Yes, sir.
- Q You may state the names of your children for whom you have applied or asked to be enrolled? A Isa Dora is her correct name but they have it Isadora, Flora Elizabeth and Thomas G.
- Q Were these children all born before 1900? A Yes, sir, the boy was born in 1890.
- Q What per cent of Indian blood do you claim to have? A One-eighth.
- Q What kin is Perry Berryhill, who has just testified, to you? A Cousin.
- Q What kin is Thomas Berryhill, who has testified, to you? A Brother.
- Q Are they both on the roll? A Yes, sir.
- Q Who is Stanford? A He is a cousin.
- Q Is he on the roll? A Yes, sir.
- Q Who is Andrew J. Berryhill? A He is a cousin.
- Q Who is Arrie Ann? A She is an aunt.
- Q Is she on the roll? A No, sir.
- Q Who was she the wife of? A George W. Berryhill.
- Q What kin was he to you? A My uncle.
- Q Was he on the rolls? A Yes, sir.
- Q What kin now are you to John Rutledge Berryhill? A Yes, was my father.
- Q What kin were you then to John Dallas Berryhill? A He was my grandfather.
- Q Do you know Peter Snyder? A Yes, sir.
- Q What kin is he to you? A He is my nephew.
- Q Who was his mother? A Mary Ann Berryhill.
- Q What kin was Mary Ann Berryhill to you? A My sister.
- Q Who was Mary Ann Snyder? A She is my sister.
- Q Is she an applicant in this case? A Yes, sir.
- Q Is Peter Snyder also an applicant in this case? A Yes, sir.
- Q These cases have all been consolidated and joined together? A Yes, sir.

Witness excused.

Mary Ann Snyder being duly sworn testifies as follows:

EXAMINATION BY COMMISSIONER:

- Q What is your name? A Mary Ann Snyder now.
- Q You were formerly Mary Ann Berryhill? A Yes, sir.
- Q You were the person who made application for enrollment to the Dawes Commission on July 31, 1900? A Yes, sir.
- Q Have you a child named Lizzie Snyder? A Yes, sir.
- Q How old is Lizzie? A About twenty-four.
- Q Have you a child called Thomas Franklin Snyder? A Yes, sir.
- Q How old is he? A About twenty-five.
- Q Have you a child named Henry? A Yes, sir.
- Q How old is he? A Twenty-one.

Q Have you a child called Katie? A Yes, sir.
 Q How old is she? A Eighteen.
 Q Have you a child called Emmie? A Yes, sir.
 Q How old is she? A She is sixteen.
 Q Have you one called Nellie? A Yes, sir.
 Q How old is she? A She is fourteen.
 Q Have you a child named Joseph? A Yes, sir.
 Q How old is Joseph? A Twelve.
 Q Are all these children living? A Yes, sir.
 Q How old are you? A Fifty-eight.
 Q What is your post office address? A Red Fork.
 Q Where were you born? A Missouri.
 Q Did you come from Missouri to the Creek Nation? A No, sir, I come from Texas here.
 Q How old were you when you left Missouri? A I guess I was bout forty.
 Q Where did you to to from Missouri? A I went to Texas.
 Q How long did you live in Texas? A I lived there about sixteen years.
 Q Then you came to the Creek Nation? A Yes, sir.
 Q How long have you been in the Creek Nation? A Off and on ever since the '91.
 Q Were you in the Creek Nation in 1890, A Well I really don't know. I don't remember whether I was or not.
 Q Did you draw the Creek payment in 1890, the \$29 payment? A No, sir.
 Q Did you draw the payment in 1895? A No, sir.
 Q Did you ever apply to the national council of the Creek Nation or any commission of the Creek Nation to be admitted to citizenship in that nation? A Yes, sir.
 Q When? A The first was in 1884.
 Q To whom did you apply at that time? A Well now I don't ~~know~~ really remember. My uncle had it fixed up.
 Q Were you admitted in 1884? A Well not as I know of.
 Q When did you make application again? A In 1891 to the Creek Council.
 Q Did you make a that application yourself? A Yes, sir.
 Q Were you here then? A Yes, sir.
 Q Were you admitted at that time? A Not that I knew of.
 Q Did you in 1895 or 1896 apply to any of the Creek Commissions or committees for admission to citizenship? A In 1896 I put in to the Dawes Commission.
 Q You were not admitted then were you? A No, sir.

BY ATTORNEY BROOK:

Q Mrs. Snyder ~~the~~ the names of the children that you have just given are the ones that you applied for to have enrolled when you made your application? A Yes, sir, when we put in to the Dawes Commission the ~~names~~ last time the oldest children were dropped off.

BY COMMISSIONER:

Q That is all that you made application for? A Yes, sir.

BY ATTORNEY BROOK:

- Q What was your name before you married? A My name was Mary Ann Berryhill.
- Q Did you go by any other name? A They have a nickname, they call me Peggy.
- Q Mary Ann or Peggy Berryhill? A Yes, sir.
- Q Who is Theodore Berryhill? A He is a brother of mine.
- Q Who is Peter Snyder? A He is a son of mine.
- Q Is Peter Snyder, your son, an applicant in this case? A Yes, sir.
- Q Who was your father? A John Rutledge Berryhill.
- Q Was he a Creek citizen? A Yes, sir.
- Q From whom do you get your citizenship, your mother or your father? A My father.
- Q What per cent of Indian blood did he have? A He had about 1/4.
- Q What would that make you? A 1/8.
- Q Do you know who John Dallas Berryhill was? A He was my grandfather.
- Q Did you ever see him? A Yes, sir.
- Q When is the last time you remember seeing him? A About '59 I think.
- Q Where was it you remember having seen him last? A Well he was in Missouri.
- Q What place? A He was right at my aunt's.
- Q Who was your aunt? A At that time Martha Copeland.
- Q What is her name now? A She is dead.
- Q Did you have a talk with him at that time with reference to citizenship or enrollment? A No, sir.
- Q Did you ever at any time talk with him about your enrollment, as a citizen or the Creek Nation, before or after that? A No, sir.
- Q Did you ever talk to him about any money that he ever drew? A I remember when he brung the money.
- Q What money? A The Old settlers money.
- Q How do you know it was the old settlers money? A That is what he told me.
- Q When was it he drew the old settlers money - about when? A Some where between 1850 and 1860.
- Q Did he tell you at that time how much money he had drawn? A Well to my best knowledge it was about \$1600.
- Q Did he or did he not tell you that you participated in the distribution of this money? A Yes, sir.
- Q Did he tell you your name was on the old settlers roll? A Yes, sir.
- Q Did he tell you your brother Theodore Berryhill was on that roll? A Yes, sir.
- Q Did you know George W. Berryhill? A Yes, sir, he was my uncle.
- Q Did you ever hear him say that John Dallas Berryhill had drawn the money that was coming to the Berryhill family? A Yes, sir.
- Q Where is George W. Berryhill at this time? A He is dead.

- Q Do you know when he died? A No, sir.
- Q Do you know Arrie Ann Berryhill? A Yes, sir.
- Q Who is she? A She is my uncle George's wife.
- Q Did you ever talk to her about this matter? A I don't remember.
- Q From what you have heard through your relatives and to the best of your knowledge, information and belief this money, about which John Dallas Berryhill spoke to you about having drawn, was the old settlers money and was drawn between 1850 and 1860, is that so? A Yes, sir.
- Q And he told you that your name together with that of your brother and others was on that roll? A Yes, sir.
- Q And that part of that \$1600, about which you have just spoken, was part of your money and was that of your brother? A Yes, sir.
- Q Do you know from what country or from what state John Dallas Berryhill came to this country? A Alabama.
- Q Do you know what party he came here with? A McIntosh party.
- Q Did you ever talk to your father, John Rutledge Berryhill, in regard to this payment? A Well I don't know whether I have or not, I don't remember.
- Q Do you remember how many children your father had at this time? A Five children.
- Q Will you give the names of those children to the Commission? A Yes, sir. Thomas Henry Benton, Benjamin Franklin, Littleton Berryhill, Theodore Berryhill, Mary Ann.
- Q To what town, if you know, did John Dallas Berryhill belong? A Broken Arrow.
- Q What town did John Rutledge Berryhill belong? A Broken Arrow.
- Q Who was Stephen Snyder? A My husband.
- Q When did you marry Snyder? A 1867.
- Q Now as a result of that marriage how many children have been born to you? A Fourteen. I have thirteen living children.
- Q Do you know Thomas Berryhill? A Yes, sir.
- Q Is he a citizen of the Creek Nation? A Yes, sir.
- Q What kin is Thomas Berryhill to you? A Brother of mine.
- Q Do you know whether Thomas Berryhill is on the Creek roll or not? A Yes, sir.
- Q Who is Andrew J. Berryhill? A Cousin of mine.
- Q Is he on the Creek roll? A Yes, sir.
- Q Who is Stanford Berryhill? A He is a nephew cousin.
- Q Is he on the roll? A Yes, sir.
- Q Who is Perry Berryhill? A He is a cousin of mine.
- Q Who is Martha Lee Kiefer? A She is Stanford Berryhill's sister.
- Q What kin is she to you? A Cousin.
- Q Are you acquainted with the Self family in the Creek Nation? A No, sir.

Witness excused.

Chas. T. Difenderfer being first duly sworn states that the above and foregoing is a full, true and correct

transcript of his stenographic notes taken in said cause on said date.

Chas. T. Diefenderfer

Subscribed and sworn to before me this 16th day of November
1905.

Henry L. Haines

Notary Public.

The following testimony at this hearing of this case was reported by Anna Garrigus.

Peter Snyder, being duly sworn, testified as follows:

BY COMMISSIONER.

Q What is your name? A Peter Snyder.

Q What is your age? A 36

Q What is your post office address? A Red Fork.

Q Are you the father of Mary Ann Snyder? A Yes, sir

Q Are you the father of Lena Adaline Snyder? A Yes, sir

Q How old is Mary Ann Snyder? A She was born in 1890 I think.

Q How old is Lena Adaline? A She was born in 1891 I think.

Q Are you the father of Stephen O. Snyder? A Yes, sir.

Q How old is he? A I think he was born in 1893 or 4, I don't know which.

Q Are these three children living? A Yes, sir

Q What is the name of their mother? A Emma Snyder.

Q Is she a citizen of the Creek Nation? A No, sir

Q Any rights these children may have come through you? A Yes, sir.

Q How long have you lived in the Creek Nation? A I came here in 18--let me see in 1891.

By Attorney.

Q How old were you at the time you came here? A I would have to study quite a bit on that, it's a good while ago. I was probably 23 years of age.

Q Where did you come from to the Creek Nation? A From St. Joe, Mo.

Q How long did you live there? A I was born there and lived there until the time I came to the territory in 1891.

Q Were you of age at the time you lived in Missouri? A Yes, sir

Q Did you ever vote in Missouri? A Yes, sir

Q For state officers? A Yes, sir

Q Ever vote for national officials? A One election.

Q Do you claim to have been admitted to citizenship yourself or through your mother Mary Ann or Peggy Snyder? A Through my mother

Q As I understand it you do not claim that you yourself were ever admitted but claim through your mother? A Yes, sir

Andrew J. Berryhill, being duly sworn, testified as follows:
BY COMMISSIONER.

- Q What is your name? A Andrew J. Berryhill.
Q What is your age? A 50
Q What is your post office address? A Bixby.
Q You are a citizen of the Creek Nation? A Yes, sir

Witness is identified as Andrew J. Berryhill on Creek Indian card field No. 534 and his name is contained in a partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, opposite roll No. 1734.

BY ATTORNEY.

- Q How old are you Mr. Berryhill? A 50
Q You were born in Missouri? A Yes, sir.
Q Who was your father? A Andrew J. Berryhill.
Q What kin was Andrew J. Berryhill to Theodore Berryhill? A Uncle
Q What kin was Theodore Berryhill to Mary Ann Snyder? A Brother and sister.
Q Did you know John Rutledge Berryhill? A Yes, sir
Q Was he the father of Theodore Berryhill and Mary Ann Snyder? A Yes sir
Q Is he living or dead? A Dead
Q Was he a citizen of the Creek Nation? A Yes, sir
Q Was he on the roll as a citizen? A Yes, sir
Q Did you know John Dallas Berryhill during his lifetime? Yes, sir
Q Do you know what relationship existed between John Rutledge Berryhill and John Dallas Berryhill? A John Dallas was the father of John Rutledge
Q Do you know from what place or from what country John Dallas Berryhill came to this country? A Alabama I think.
Q That's to your best information? A Yes, sir
Q When were you admitted as a citizen? A '90
Q Were you admitted by the Creek Council under the Act of October 28, 1890? A Yes, sir
Q Do you know whether or not John Rutledge Berryhill and John Dallas Berryhill were on the roll prepared either by the Creek Nation or the United States government of the citizens of the Creek Nation known as the "old settlers' roll"? A Yes, they were on the "old settlers' roll" I think.
Q Do you know whether or not a payment was made to John Dallas or John Rutledge Berryhill of any money? A I guess there was, to the best of my knowledge. I heard it talked all my life
Q That is to your best information and belief? A Yes, sir
Q Do you know whether the names of Theodore Berryhill the applicant and Mary Ann Snyder also an applicant whether or not their names appeared on this roll? A I think so, yes
Q What makes you think so? A I have seen the old roll in Washington I read it myself
Q Now you may state to the Commission for their information and mine what that record was if you remember and how it was signed? A Her name was Peggy to the best of my knowledge and his name I don't remember (pointing to applicant) *as for Theodore*
Q Do you remember whether his name was on this list? A To the best of my knowledge Theodore was.
Q Are you acquainted with the children of John Rutledge Berryhill
A Yes, sir

Q How many children did he have? A Five I think
 Q You may state whether or not the names of these five children of John Rutledge Berryhill were on this roll? A I think so.

BY COMMISSIONER.

Q This list you saw did you see it in Washington? A No
 Q Was it supposed to be the original or a copy of the roll?
 A I dont know.
 Q In whose possession was it? A George Stidham
 Q Can you read and write? A Yes, sir
 Q You saw the roll yourself did you? A Yes, sir
 Q Was that roll signed or authenticated by any one did you notice? A I dont remember, I suppose, however, it was.

BY ATTORNEY.

Q Do you remember who was Secretary of the Interior at that time?
 A I dont remember

O. P. Berryhill-Recalled.

Q In 1890 you stated a while ago you had a talk with George Stidham in regard to this roll? A In 1889
 Q You may state who was present at the time this conversation was had? A G.W.Berryhill, Benjamin Franklin and myself

STANFORD BERRYHILL, being duly sworn testified as follows?

BY COMMISSIONER.

Q What is your name? A Stanford Berryhill.
 Q What is your age? A 48
 Q What is your post office address? A Mounds.
 Q Are you a citizen of the Creek Nation? A Yes, sir

Witness is identified as Stanford Berryhill on Creek Indian card field No. 846 approved by the Secretary of the Interior March 13, 1902, opposite roll No. 2736

Q Who was your father? A George W. Berryhill
 Q Where is he? A Dead.
 Q Was he a citizen of the Creek Nation? A Yes, sir
 Q When did he die? A I cant tell exactly, he has been dead 4 or 5 years
 Q Who was your mother? A Ara Ann Berryhill
 Q White or Creek? A White woman
 Q Is Ara Ann Berryhill who has just testified your mother? A Yes
 Q Who was John Rutledge Berryhill? A He was Theodore's father [the applicant's father]
 Q Is he living? A No, sir
 Q Who was John Dallas Berryhill? A My grandfather
 Q What kin was John Rutledge Berryhill to George W. Berryhill?
 A Brothers
 Q Is John Rutledge alive? A No, sir
 Q Was he on the Creek roll? A Yes, sir
 Q What Creek roll do you mean Was he recognized as a citizen of the Creek Nation? A At one time

21-

Q Was he at the time of his death? A You are coming to where I don't understand.

Q If you don't understand, don't answer? A He was on the old roll the Old Settlers' roll

Q Did you ever see this Old Settlers roll? A I seen a copy of it.

Q When did you see it? A I don't remember the year. I seen it three or four times, my father had it in his house. I couldn't tell what year we had it unless I had put it down

Q Was John Dallas Berryhill on this Old Settlers roll? A Yes, sir

Q How many times do you remember of having seen this Old Settlers roll? A The first time I saw it was in Okmulgee and I don't know how many times I seen it in my father's house. I don't have no idea

Q Do you know how many children John Rutledge Berryhill had at time of his death? A Yes, sir

Q How many? A Give me a little time to study it up--it was five

Q Did the applicants here constitute part of the five?

A Yes, sir I would say they did

Q Now from the best of your recollection did the names of Theodore Berryhill and Mary Ann Snyder, (nee Berryhill) appear on this roll that you saw? A His name--I can't tell what initials he had, Theodore Berryhill the applicant, Mary Ann Snyder the applicant was down Peggy as near as I can tell. Well yes it was Peggy and it run down under John Rutledge Berryhill's family. Thomas Henry Benton Berryhill was there in full and Benjamin Franklin Berryhill was there in full. The rest of them wasn't.

Q John Rutledge Berryhill was the father of these five children is that correct? A Yes, sir

Q State whether the name of John Rutledge Berryhill appeared on that list? A It did

Q Did his five children appear on that list? A Yes, sir

Q Were the two applicants whose names you have just given on that list as his children? A Yes, sir

Q Did you ever talk to John Rutledge Berryhill in regard to the Old Settlers roll? A No, sir

Q Did you ever talk to any one in regard to this old settlers money? A No, sir Just our own family. When this roll came in we talked about it and I have heard these applicants mother talk about the Old Settlers money

Q What did you hear her say? A I have heard her say he came here and drew the money and took it back there to Missouri

Q Who drew the money? A John Dallas Berryhill

Q For whom did he draw this money? A For his children and grand children.

Q Is Theodore Berryhill and Mary Ann Snyder, were they grand children of John Dallas Berryhill? A Yes, sir

Q Did you hear your mother say at any time that Theodore Berryhill and Mary Ann Snyder received a part of this money, came in for their share? A Yes, sir I have heard her say that.

By Commissioner.

Q Did you say you had seen the roll yourself with the names on it? A Yes, sir

Q Was that the original roll? A A copy

Q Do you know who made that copy? A I never knew only by hearsay. I heard that George Stidham got the roll in Washington; that's what my father said.

Q You say the applicant Mary Ann Snyder is on this roll as Peggy?

A Yes, sir

Q Where did she get the name Peggy? A I don't know

By Attorney.

22-

Q She was down as Peggy, is that so? A Yes, sir

Q Was she ever called Peggy since you knew her? A No, sir not in the family

Q Where did you first hear she was called Peggy? A The first time I heard about the Peggy business was on the pay roll.

By Commissioner.

Q You saw the name Peggy on that roll and you assumed that it was her name? A Yes, sir

Q Was Peggy Berryhills name in the list of Jehh Rutledge Berryhill A Yes, sir that's what brought the conclusion to me that they were the identical persons.

By Atty.

The attorney will offer at this time the pay roll or record supposed to have been made by the United States government giving or showing the names of the Greek citizens who were entitled to share in the distribution of the money or funds known as the "old settlers" money or in the payment made by the United States government to the Greek Indians in 1856.

Commissioner:

Is the roll you offer in evidence an original or a copy

Atty.

A copy of the original. We will endeavor to secure the original roll.

Attorney for applicant at his request is allowed ten days within which to produce the roll referred to.

Mary Ann Snyder recalled:

Q Were you ever known in your family by the name of Peggy? A Not that I know of.

Q Did you ever have any sister that you remember? A No, sir never had a sister

Q Did you ever have any cousin or member of your family called Peggy? A No, sir

Q How do you account for your name appearing as you say it does appear on that roll as Peggy? A I couldn't tell you, it was supposed that he had so many names, he said when he got back he had some of the names down wrong.

Q Do you know of any children or grandchildren of his named Peggy A No, sir

I, Anna Garrigues, state on oath that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 2 day of November 1905

Anna Garrigues
J. McDermott
Notary Public.

MM 22/3

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Indian Office,

Incl. No.

1905

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RECEIVED
SEP 9 - 1906
No. 2 of No. 262

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 12, 1906.

In the matter of the application for the enrollment of
Theodore Berryhill et al., Mary Ann Snyder et al., and Peter Snyder
et al., as citizens of the Creek Nation.

APPEARANCES: Eck E. Brook, attorney for applicants.

THEODORE BERRYHILL, being duly sworn, testified as
follows:

- Q What is your name? A Theodore Berryhill.
Q What is your post office address? A Fisher.
Q Are you the applicant in this case? A Yes, sir.
Q To what town do you claim to belong? A Broken Arrow.

BY ATTY. FOR APPLICANT.

- Q Who was John Berryhill? A My father.
Q Do you claim to have been on the Old Settlers' roll? A Yes, sir.
Q How do you sign your name? A T. and Theo and sometimes my full
name.

STANFORD BERRYHILL, being duly sworn, testified as
follows:

- Q What is your name? A Stanford Berryhill.
Q What is your age? A Forty nine.
Q What is your address? A Nowada.

BY ATTY. FOR APPLICANT.

- Q To what town did you belong? A Broken Arrow.
Q Are you now on the roll as a Creek citizen? A Yes, sir.
Q What relationship exists between you and the applicant? A First
cousins by blood.
Q Who was John Berryhill? A The applicant's father.
Q To what town did he belong? A Broken Arrow.
Q Do you remember the number that was enrolled with John Berryhill
on the Old Settlers' roll taken in 1859? A I saw a copy of it or
supposed to be a copy.
Q How many names did it contain? A Forty.
Q You stated that John Berryhill was the father of the applicant
and that there were 40 on that roll? A Yes, sir.
Q And what roll was that? A The Old Settlers' roll.
Q Where did you see that? A At my father's house.
Q What was your father's name? A G.W. Berryhill.
Q Do you know how it happened to be there? A Judge Stidham brought
it from Washington.
Q What kind of a roll was that? A It was a slip of paper seemed to
be just wrote off from a roll and brought here.
Q What you saw was that the entire roll? A It was just our family,
all that concerned us.
Q You didn't see the roll itself? A No, sir, I never was at
Washington.

Q Did John Berryhill, together with the other 39 members, appearing on the roll, draw money on this roll? A That has always been my understanding. That money was drawn before I was born.
Q All you know about this is what you have heard? A Yes, from my mother and folks.

THEODORE BERRYHILL, recalled.

Q Do you remember the exact number of names that were with John Berryhill at the time these names were enrolled on the Old Settlers' roll? A Forty, that is including John Berryhill. John Berryhill and 39 others.

Attorney presents letters from Mr. Stephens at Washington with reference to said Old Settlers' roll and states that in a few days he expects to furnish a certified copy of the roll.

H.B. MOORE, being duly sworn, testified as follows:

Q What is your name? A H.B. Moore.
Q What is your age? A Seventy eight.
Q What is your post office address? A Haskell.

BY ATTY. FOR APPLICANT.

Q Are you a citizen by blood of the Creek Nation? A Yes, sir.
Q Do you know whether or not there was a roll known as the Old Settlers' roll made in 1859 by the United States government and the Creek people? A I don't know when it was made but I have heard them speak of an Old Settlers' roll.
Q Then it is your understanding that such a roll was made and in existence? A Yes, sir.
Q Do you know where that roll is at this time? A No, sir.
Q Were you acquainted with one John Berryhill? A Yes, sir.
Q Do you know to what town he belonged? A Broken Arrow.
Q The Old Settlers' roll about which you have just spoken, what was that roll made for do you remember? A To ascertain the number of the people that emigrated at that time I think was the object.
Q Wasn't that roll also made for the purpose of ascertaining the number of the people and the amount of money that should be paid? A Yes, sir, so they could make a division of some tribal funds of that special party; it wasn't a national fund.
Q And John Berryhill was a recognized citizen of the Creek Nation? A He drew money. He was put on that roll but he had left the country before I came here; he never lived here in the nation after I came but he visited here. That was one of the times he visited, he came here to see about his portion of the money.
Q You know of your own knowledge that he was on that Old Settlers' roll? A I didn't see him get the money but I heard he got it.
Q You knew then there was an Old Settlers' roll? A I never saw it but I heard them speak about it and I supposed there was one.
Q Do you remember the number of Berryhills that were on that Old Settlers' roll who belonged to Broken Arrow town? A I don't know about that.
Q John is the only one that you remember? A I heard he was on and there was a roll. There were three brothers, John, Alex and Pleasant, I believe that's all.
Q Was he called Pleasant? A I think so.

COMMISSIONER.

Q When was the payment made on that Old Settlers' roll? A I can't

tell ; it has been so long. The payment was made at the old Agency.
Q Did you draw some of it? A No, I didn't belong to that party.
Q What party was that? A Those that emigrated from '38 to '43 I think was the date. About the first ones that came to the country.
Q All those people who came at that time were placed on that Old Settlers roll? A Yes, sir.
Q And paid money? A Yes, sir.
Q But you never saw the roll yourself? A I never saw it; if I did I didn't examine it. I was quite young then and had nothing to do with affairs.
Q Is your understanding of that roll that it was a roll of people who emigrated about 1838 or 1840? A They were counted in as the first comers to the nation.
Q Were any young people put on there? A Their children were enrolled.
Q To what town do you belong? A Gussata.
Q Did you ever draw any money before 1890? A Yes, sir, frequently.
Q But you didn't draw on that Old Settlers roll? A No, sir.
Q You stated that John Berryhill never lived in the Creek Nation. A He didn't live here when I came to the country.
Q When did you come? A In 1846, November 15th.
Q To your knowledge when did the John Berryhill you refer to come here? A He came with the others. I understood that he lived here on the Arkansas river. He staid here awhile and then moved to Missouri when I knew him.
Q When did he come back? A I don't know; but he came back before he came for the money.
Q When did he come back to make it a home? A He never did live here: He never had a home here after I came but he lived here before I came.
Q As long as you have lived in the Creek Nation John Berryhill hasn't had a home in the Creek Nation? A I don't think he ever had a home in the Creek Nation after I came here. He lived here some but I don't know how long he lived here.

ATTY. FOR APPLICANT.

Q You state that you know a John Berryhill that lived here after you came here? A I didn't know his given name but I think Theodore's father was named John. I won't be certain about that but he claimed to be a son of the old John Berryhill we were talking about.
Q Did Theodore's father live here? A I don't know how long he lived here. Yes sir he lived here and died here.
Q Was he a recognized citizen of the Creek Nation? A I think so.
Q He wasn't the one on the Old Settlers' roll? A No, sir, Theodore's grandfather.
Q Have you seen Theodore Berryhill within the last two or three days? A I haven't seen him for 4 or 5 years. He was young when I first saw him. I wouldn't know him now if I was to meet him.

I, Anna Garrigue, state on oath that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said case on said date.

Anna Garrigue

Subscribed and sworn to before
me this 13 day of February 1906.

J. M. McDermott
Notary Public.

✓

Muskogee, Indian Territory, October 26, 1905.

Peter Snyder,

Red Fork, Indian Territory.

Dear Sir:

Under date of October 14, 1905, the Secretary of the Interior reopened the matter of the application for the enrollment of yourself and your minor children, Mary Ann, Lena Adaline and Stephen O. Snyder, as citizens by blood of the Creek Nation.

In accordance with instructions of the Department, said case is consolidated with the cases of Mary Ann Snyder et al. and Theodore Berryhill et al. which were reopened on the same date.

You are accordingly notified that a hearing will be had in the matter of the application for the enrollment of yourself and your said children in connection with a similar hearing in the cases of Mary Ann Snyder et al. and Theodore Berryhill et al., at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, November

November 15, 1905.

The Creek Nation will be given an opportunity to introduce evidence at the same time and place.

You are advised that the best evidence obtainable should be produced in support of the allegations contained in your petition, showing particularly that you or your parents ~~were enrolled upon the "Old Settlers' Roll"~~ and also showing whether or not you are the identical Mary Ann Snyder admitted to citizenship in the Creek Nation by act of the Creek National Council of October 28, 1890.

Respectfully,

Commissioner.

✓
En.993

Muskogee, Indian Territory, October 26, 1905.

Mary Ann Snyder, alias Peggy Snyder,
Red Fork, Indian Territory.

Dear Madam:

Under date of October 14, 1905, the Secretary of the Interior reopened the matter of the application for the enrollment of yourself and your minor children, Lissie, Thomas Franklin, Henry, Katie, Emma, Nellie and Joseph Snyder, as citizens by blood of the Creek Nation.

In accordance with instructions of the Department, said case is consolidated with the cases of Peter Snyder et al. and Theodore Berryhill et al. which were reopened on the same date.

You are accordingly notified that a hearing will be had in the matter of the application for the enrollment of yourself and your said children in connection with a similar hearing in the cases of Peter Snyder et al. and Theodore Berryhill et al., at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

18, 1905.

The Greek Nation will be given an opportunity to introduce evidence at the same time and place.

You are advised that the best evidence obtainable should be produced in support of the allegations contained in your petition, showing particularly that you and your parents were enrolled upon the "Old Settlers" Roll and also showing what relation, if any, exists between you and the Mary Ann and Theodore Berryhill admitted to citizenship in the Greek Nation by act of the Greek National Council of October 28, 1890.

Respectfully,

Commissioner.

✓
En. 993

Muskogee, Indian Territory, October 26, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

Under date of October 14, 1905, the Secretary of the Interior reopened the matter of the application for the enrollment of Theodore Berryhill et al., Mary Ann Snyder et al. and Peter Snyder et al., as citizens by blood of the Creek Nation.

In accordance with instructions of the Department, the cases of Theodore Berryhill et al. and Mary Ann Snyder et al. are consolidated with the case of Peter Snyder et al. which was reopened on the same date.

You are accordingly notified that a hearing will be had in the matter, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, November 15, 1905.

The Creek Nation will be given an opportunity to introduce evidence at the same time and place.

You are advised that the best evidence obtainable should be produced tending to show whether or not there is in existence, or ever was, a Creek tribal roll, which is said to have

M.L.M.2

been made between the years 1890 and 1895 and to be known as the "Old Settlers' Roll", and if so whether or not the names of the applicants, or any of them, or the parents of all, or any of said applicants appear on said roll, and whether or not said Mary Ann Snyder and said Theodore Berryhill are identical with the Mary Ann Berryhill and Theodore Berryhill, who were admitted to citizenship in the Creek Nation by the Creek National Council in the year 1890.

Respectfully,

Commissioner.

Muskogee, Indian Territory, October 26, 1906.

Theodore Berryhill,

Red Fork, Indian Territory.

Dear Sir:

Under date of October 14, 1906, the Secretary of the Interior reopened the matter of the application for the enrollment of yourself and your minor children, Isadora, Flora Elizabeth and Thomas G. Berryhill, as citizens by blood of the Creek Nation.

In accordance with instructions of the Department, said case is consolidated with the cases of Mary Ann Snyder et al. and Peter Snyder et al. which were reopened on the same date.

You are accordingly notified that a hearing will be had in the matter of the application for the enrollment of yourself and your said children in connection with a similar hearing in the cases of Mary Ann Snyder et al. and Peter Snyder et al., at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory,

November 15, 1908.

The Creek Nation will be given an opportunity to introduce evidence at the same time and place .

You are advised that the best evidence obtainable should be produced in support of the allegations contained in your petition, showing particularly that you or your parents were enrolled upon the "Old Settlers' Roll" and also showing whether or not you are the identical Theodore Berryhill admitted to citizenship in the Creek Nation by act of the Creek National Council of October 28, 1890.

Respectfully,

Commissioner.

Refer in reply to the following:

Land:

~~8888-1905~~

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, January 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward letter of the Commissioner to the Five Civilized Tribes, of November 18, 1905, referring to the fact that on October 18, 1905 (I.T.D.9071, 9215, 9725, 13266-1905), the Department granted motions for rehearing in the cases of Mary Ann Snyder et al., Peter Snyder et al. , and Theodore Berryhill et al.

The Commissioner says that the applicants claim in their motions for rehearing that their names and the names of certain of their ancestors appear upon an old Creek roll said to have been prepared between the years 1850 and 1860, and known as the "Old Settlers' Roll" and the Department directed his office to call upon the authorities of the Creek Nation for this roll, and obtain it, if possible, for reference in connection with these and other Creek cases.

In compliance with the direction of the Department, on October 25, 1905, the Commissioner addressed a letter to P. Porter, Principal Chief of the Creek Nation, requesting that official to turn the roll over to him. No reply was received, but on November 15, 1905, on the date the rehearing was had in these cases, P. Porter

testified, as a witness, that he had never seen the "Old Settlers' Roll," but that he understood that such a roll was prepared by authority of the United States Government in the year 1856, and that the roll is now in the possession of the Department.

Mr Bixby further says that in view of the fact that the names of Mary Ann and Theodore are common names in the Berryhill family, it would be impossible to identify the applicants in this case with any Mary Ann and Theodore Berryhill whose names might appear on the roll, unless the roll, or a copy of it, was before his office. He therefore requests that the roll of the Creek Nation, known as the "Old Settlers' Roll," or a copy thereof, be furnished his office for use in connection with these cases.

A search of the records of this Office has been made with reference to the existence of an "Old Settlers' Roll" of the Creek Nation, or any roll compiled in 1856, but no record of any such roll has been found. Therefore, it is impossible to comply with the request of the Commissioner.

Very respectfully,

C.F.Larrabee
Acting Commissioner.

KBN Y

J.W.H.
LJB

DEPARTMENT OF THE INTERIOR,

WASHINGTON, January 16, 1906.

I.T.D.362-1906
LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of your letter of November 18, 1905, requesting a copy of the "Old Settlers' Roll" of the Creek Nation, for use in connection with the readjudication of the enrollment cases of Mary Ann Snyder et al., Peter Snyder et al., and Theodore Berryhill et al.

Inclosed herewith is a copy of a report from the Indian Office in the matter, dated January 8, 1906, from which it appears that such roll can not be found. You will therefore secure in connection with said rehearing the best secondary evidence of said roll that you can obtain, together with evidence of the enrollment of the applicants thereon.

The transcript of testimony, with attached papers relating to said cases, is returned.

Respectfully,

Thos Ryan
First Assistant Secretary

2 inclosures

Through the
Commissioner of Indian Affairs.

En. 993.

Muskogee, Indian Territory, January 26, 1906.

Mary Ann Snyder, alias Peggy Snyder,
Red Fork, Indian Territory.

Dear Madam:

You are hereby notified that a further hearing will be had at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, Monday, February 12, 1906, in the matter of the application for the enrollment of yourself and your minor children, Lizzie, Thomas Franklin, Henry, Katie, Emmie, Nellie and Joseph Snyder, as citizens by blood of the Creek Nation, in connection with a similar hearing in the cases of Peter Snyder, et al. and Theodore Berryhill, et al.

The Creek Nation will be given an opportunity to introduce evidence at the same time and place.

You are advised that further evidence is desired, in support of the allegations contained in your petition for a rehearing, as to the existence of a Creek tribal roll alleged to have been made between the years 1850 and 1860, called the "Old Settler's Roll," also in support of the allegation that your name and the names of your parents appear thereon.

Respectfully,

Acting Commissioner.

En. 993.

Muskogee, Indian Territory, January 26, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that a further hearing will be had at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, Monday, February 12, 1906, in the matter of the application for the enrollment of Theodore Berryhill et al., Mary Ann Snyder, et al. and Peter Snyder, et al. as citizens by blood of the Creek Nation,

The Creek Nation will be given an opportunity to introduce evidence at the time and place indicated.

You are advised that further evidence is desired to show whether or not there is in existence, or ever was, a Creek tribal roll, which is alleged to have been made between the years 1850 and 1860, known as the "Old Settler's Roll," and, if so, whether the names of the applicants, or any of them, or of their parents appear on said roll.

Respectfully,

Acting Commissioner.

En. 993.

Muskogee, Indian Territory, January 26, 1906.

Eck R. Brook,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that a further hearing will be had at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, Monday, February 12, 1906, in the matter of the application for the enrollment of Theodore Berryhill, et al., Mary Ann Snyder, et al., and Peter Snyder, et al., as citizens by blood of the Creek Nation, and in which you appear as attorney for applicants.

The Creek Nation will be given an opportunity to introduce evidence at the time and place indicated.

You are advised that further evidence is desired to show whether or not there is in existence, or ever was, a Creek tribal roll, which is alleged to have been made between the years 1850 and 1860, known as the "Old Settler's Roll," and, if so, whether the names of the applicants, or any of them, or of their parents appear on said roll.

Respectfully,

ACTING COMMISSIONER.

En. 993.

Muskogee, Indian Territory, January 26, 1906.

Theodore Berryhill,

Red Fork, Indian Territory.

Dear Sir:

You are hereby notified that a further hearing will be had at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, Monday, February 12, 1906, in the matter of the application for the enrollment of yourself and your minor children, Isadora, Flora Elizabeth and Thomas G. Berryhill, as citizens by blood of the Creek Nation, in connection with a similar hearing in the cases of Peter Snyder, et al. and Mary Ann Snyder, et al.

The Creek Nation will be given an opportunity to introduce evidence at the same time and place.

You are advised that further evidence is desired, in support of the allegations contained in your petition for a rehearing, as to the existence of a Creek tribal roll alleged to have been made between the years 1850 and 1860, called the "Old Settler's Roll," also in support of the allegation that your name and the names of your parents appear thereon.

Respectfully,

Acting Commissioner.

En. 993.

Muskogee, Indian Territory, January 26, 1906.

Peter Snyder,

Red Fork, Indian Territory.

Dear Sir:

You are hereby notified that a further hearing will be had at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, Monday, February 12, 1906, in the matter of the application for the enrollment of yourself and your minor children, Mary Ann, Lena Adaline, and Stephen O. Snyder, as citizens by blood of the Creek Nation, in connection with a similar hearing in the cases of Mary Ann Snyder, et al. and Theodore Berryhill, et al.

The Creek Nation will be given an opportunity to introduce evidence at the same time and place.

You are advised that further evidence is desired, in support of the allegations contained in your petition for a rehearing, as to the existence of a Creek tribal roll alleged to have been made between the years 1850 and 1860, called the "Old Settler's Roll," also in support of the allegation that your name and the names of your parents appear thereon.

Respectfully,

Acting Commissioner.

Cr.En.993.

Muskogee, Indian Territory, February 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter of January 18, 1906, (I.T.D.362-1906), inclosing copy of report from the Acting Commissioner of Indian Affairs, stating that the "Old Settlers' Roll" of the Creek Nation cannot be found, this office having requested in letter of November 18, 1905, that it be furnished with a copy of said roll for use in connection with Creek citizenship cases of Mary Ann Snyder, et al., Peter Snyder, et al., and Theodore Berryhill, et al.

February 14, 1906, Bok Brook, attorney for Theodore Berryhill, et al., filed with this office a letter signed by G. T. Dunham, Acting Auditor of the Treasury Department, addressed to Honorable John H. Stephens, a copy of which is inclosed herewith. There was also filed with said letter what purports

Secretary 2

to be a copy of the roll above mentioned.

I would respectfully request that this office be furnished with a certified copy of said roll of the Creek Nation, known as the "Old Settlers' Roll", or as styled by the Acting Auditor of the Treasury Department, "copy of an original per capita roll of Creek Indians".

Respectfully,

Acting Commissioner.

Through the
Commissioner of Indian Affairs.

AG-23

W.H.Brook,

Eck. E. Brook.

BROOK & BROOK,
LAWYERS.

Suite 1-2-3 Crabtree Building,
111 1/2 Main St. Phone 91.
Stenographer and Notary Public.

Muskogee, Ind.Ter. April 28, 1906.

Commissioner to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:

We ~~know~~ this day beg to inquire at your hands what action has been taken, if any, in the enrollment case of Theodore Berryhill, et al., and Mary Ann Snyder, et al. Also the cases of Berryhill and Quarrels, et al., consolidated with cases of Theodore Berryhill, et al., and Mary Ann Snyder et al. These cases were heard by the Commissioner quite a long time ago and as yet we have heard nothing from them. Will you kindly indicate just what has been done in these cases.

Thanking you in advance for an early reply we beg to remain,

Yours very truly,

(Signed) Brook & Brook.

CTD.

No.14875.

Refer in reply to the following:
Land 24346-1906

DEPARTMENT OF THE INTERIOR,
~~OFFICE OF INDIAN AFFAIRS,~~
WASHINGTON. May 19, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to your communication of March 15, 1906, I have forwarded to you today, by express, a copy of the per capita pay roll of the Creek Nation, submitted by Elias Rector, Superintendent of Indian Affairs, Southern Superintendency, with sub-voucher No. 20, Abstract B, 4th quarter, 1858. The original of this roll is on file with the Auditor for the Interior Department, Treasury Department, in Box numbered 453.

I have also forwarded by express a copy of the per capita pay roll of the Creek Indians compiled by Elias Rector, Superintendent of Indian Affairs, Southern Superintendency, completed June 18, 1859. The original of this roll is on file with the Auditor for the Interior Department, Treasury Department, in Box numbered 454.

The copies were prepared by Mr. Blackinestone, of this city, under some arrangement you made with him. They were copied in the Office and have been compared.

Should you make indexes to the rolls and it is convenient for you to do so, I will thank you to make an index of each roll for this office.

Very Respectfully,

GAW GH

C.F. Larrabee
Acting Commissioner.

Cr.En.993.

Muskogee, Indian Territory, August 9, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of October 18, 1905 (I.T.D. 9071, 9215, 9725, 13266-1905), granted motions for rehearing in the Creek enrollment cases of Theodore Berryhill, et al., Mary Ann Snyder, et al., and Peter Snyder, et al., as citizens by blood of the Creek Nation, rescinding its former decisions in said cases.

Attention is invited to ^eallegations of petitioners, Theodore Berryhill and Mary Ann Snyder, that they are identical in person with the Theodora and Mary Ann Berryhill whose names are found on page 104 of the Creek law book of 1893 in a list of persons residing in Broken Arrow town who were adopted by act of Council October 28, 1890; also that applicants, or some of them, were enrolled on an "Old Settlers' roll" between

the years 1850 and 1860.

It was directed that this office make further investigation in this matter and, as applicants are closely related, that their cases be consolidated; that, in advising parties in interest of the rehearing, they be informed "that the best evidence obtainable should be produced in support of the allegations contained in their petitions, showing particularly that they were enrolled upon the 'Old Settlers' roll' and that they are the identical persons of the same name mentioned on page 104 of the Greek law book 1893".

In accordance with Departmental instructions the parties in interest were duly notified of the date set for rehearing and further testimony was taken in this matter, on the points above mentioned, on November 15, 1905 and February 12, 1906.

The allegation of petitioners, Theodore Berryhill and Mary Ann Snyder, nee Berryhill, that they are identical in person with the Theodora and Mary Ann Berryhill whose names appear in the list of persons residing in Broken Arrow town who were adopted by act of Council October 28, 1890, is not proven. On the contrary, it appears from evidence taken in the later proceedings had on the dates above mentioned and from the records in the possession of this office, that said applicants were never admitted by act of the Creek National

Council; that the Theodora Berryhill whose name appears in said list is identical with and the same as the Theodore Berryhill (son of George W. Berryhill) whose name appears on Creek Indian card, field No. 774, and is contained in a partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902 opposite No. 2519; and that the Mary Ann Berryhill, whose name appears in said list, is one and the same as the Mary Ann Berryhill, daughter of Thomas H. Berryhill, identified as Mary A. Russell on Creek Indian card, field No. 376, her name appearing in a partial list of Creek Indians by blood approved by the Secretary of the Interior March 13, 1902, opposite No. 1221.

The Department under date of January 16, 1906, acknowledged receipt of letter from this office requesting to be furnished with a copy of the "Old Settlers' roll" of the Creek Nation, and instructed, as it appeared that said roll could not be found, that this office secure in connection with said rehearing the best secondary evidence of said roll that could be obtained, together with evidence of the enrollment of the applicants thereon. At a later date there was filed with this office by the attorneys for applicants, what purported to be an extract copy of an original per capita payroll of Creek Indians on file in the Treasury department at Washington.

On February 23, 1906, it was requested of the Department that this office be furnished with a certified copy of said roll and on May 19, 1906, there was forwarded by the Acting Commissioner of Indian Affairs a copy of the per capita payroll of the Creek Nation, submitted by Elias Rector, superintendent of Indian Affairs, southern superintendency, with sub-voucher No. 20, abstract B, 4th quarter, 1858, the original of said roll being on file with the auditor for the Interior department, Treasury department, in box No. 453. There was also forwarded on the same date a copy of the per capita payroll of Creek Indians compiled by said Elias Rector, completed June 18, 1859; the original of said roll being on file with the auditor of the Interior department, Treasury department, in box No. 454. The copies of said rolls were made and compared in the office of the Commissioner of Indian Affairs.

The purpose in making said rolls is set out in the headings of same, the heading of the roll first mentioned reading as follows:

"We, the undersigned, heads of families, and individuals without families, of, and comprising that portion of the Creek tribe of Indians, and their descendants, who emigrated west of the Mississippi River prior to the Treaty of 1832, do hereby acknowledge to have received of and from Elias Rector, United States Superintendent of Indian Affairs, the sums opposite

our names and signatures respectively, and that the same is in full of our per capita shares of the sum of one hundred and twenty thousand dollars appropriated by the Congress of the United States in part fulfillment of the sixth article of the Treaty with the Creek and Seminole Indians, of August 7, 1856; and to be in full compensation for our allowance, as such Creeks, to an equivalent for the reservations granted to the Eastern Creeks by the said Treaty of 1832."

The heading of the second mentioned roll reads as follows:

"We the undersigned Creek Indians, heads of families and individuals without families, do hereby acknowledge to have received of and from Elias Rector, Superintendent of Indian Affairs for the Southern Superintendency, the several sums set opposite to our respective names, in full satisfaction and discharge of our respective shares and interests in and to the sum of (\$200,000). Two hundred thousand dollars heretofore retained by the United States until the removal of the Seminole Indians in Florida to the country west of the Mississippi, with interest at 5 per centum per annum from the 28th August 1856, the date of the ratification of the Treaty to the 3rd March 1859, per 6th Article, Treaty 7th August 1856, and Act of Congress of 3rd March 1859."

Each of said rolls is certified to by the treasurers of the Creek Nation as to the receipt from said Elias Rector of certain monies. Said rolls are also certified to by certain chiefs of the Creek Nation as to their being correct and complete, containing the names of all Creek Indians entitled to participate in said payments, as to the fact that such payments were made to the persons whose names appear thereon and in the amounts set opposite each name or family group.

The identification of said rolls as the "Old Settlers' roll", referred to by applicants and upon which it is claimed

appear the names of certain members of the Berryhill family, would seem warranted by the fact that it is claimed by applicants that old settlers' money was paid to the Creek Indians between the years 1850 and 1860, the testimony in this regard agreeing with the dates of the payments as shown by said rolls.

A careful examination of said rolls shows that many persons by the name of Berryhill participated in said payments.

On page 16 of the original per capita payroll submitted by Elias Rector for the 4th quarter of the year 1858, in family group No. 1, appears the name of John Berryhill as the head of a family and among the members of said family appears the names of H. T. and Peggy Berryhill. The name John D. Berryhill appears on page 12 of said original roll as a member of Kewetah town. It is attempted to identify the applicants, Theodore Berryhill and Mary Ann Snyder, nee Berryhill, as the H. T. and Peggy Berryhill respectively, above mentioned, but the evidence introduced does not prove that they are identical.

The fact that the name of John Berryhill and John D. Berryhill appear on said roll, when taken in connection with the testimony, might be considered as prima facie evidence that they are identical with and the same as the John Rutledge Berryhill and John Dallas Berryhill who, as appears from the evidence, were the father and grandfather respectively of said Theodore Berryhill and Mary Ann Snyder.

Said rolls are merely payrolls, the lists of names of certain Creeks, and their descendants, who emigrated west of the Mississippi River prior to the treaty of 1832, the making of said rolls being authorized by treaty entered into by the Government of the United States and the Creek and Seminole Indians on the 7th day of August 1856. (See U.S. Stats. at large vol. 11 P. 701)

I am of the opinion that were it an established fact that the applicants, Theodore Berryhill and Mary Ann Snyder, are identical with the H. T. and Peggy Berryhill on said roll, and that the John Rutledge Berryhill and John Dallas Berryhill, ancestors of said applicants, are identical with the John and John D. Berryhill above mentioned, it would not be material towards establishing the right of said applicants to enrollment, for the reason that said rolls are not authenticated tribal rolls of members of the Creek tribe of Indians residents of Indian Territory.

It appears from the evidence in the case that the applicant, Theodore Berryhill, was fifty years of age as of July 31, 1900, that he was born outside of Indian Territory and did not become a resident of said territory until the year 1891; that the applicant, Mary Ann Snyder, was fifty two years of age as of July 31, 1900, that she was born outside of Indian Territory and up to the time of making application for enrollment she had

never resided in the territory; that said Peter Snyder was thirty years of age as of July 31, 1900, that he was born outside of Indian Territory and did not establish his residence in said territory until April 6, 1900.

In an approved opinion of the Assistant Attorney General for the Department under date of September 2, 1904 (I.T.D. 4812-1904), in the matter of the application for the enrollment of James M. Barber, et al., as citizens by blood of the Creek Nation (a case similar in every material respect to the consolidated case of Theodore Berryhill, et al.) appears the following:

"As the Barber applicants do not claim or show right under the special classes named in the act of 1902 or 1901, supra, his claim, must be based upon section 21 of the act of June 28, 1898 (30 Stat. 495, 502) which so far as here material provides that-

Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribe.

As none of applicants' names appear on the authenticated rolls of 1890 or 1895, they are not within the provisions of the act referred to and the powers of the Commission under the act of June 10, 1896 (28 Stat., 321-39) expired under the limitations of the act and by its final adverse action upon the application. From that action the applicants appealed and by the express terms of the act the judgment of the court thereon was final.

The bar so arising has not been raised by Congress, except as it may affect the members of the special classes named in the later acts upon the subject. As it is not claimed by the applicants that they are within such special classes I am of the opinion that their rights are fully barred by the adverse judgment of the court upon their appeal.

But if this bar was taken away, the same result must follow. The Indian law must govern where not inconsistent with nor overborne by an act of Congress. The laws of the Creek Nation, page 87, edition of 1880, provides that-

Sec. 1. All persons having resided out of the limits of the Muskogee Nation, and whose rights as citizens of the same may seem to be questionable in consequence of intermarriage with noncitizens, shall be bona fide citizens of this Nation, provided they can prove to the satisfaction of the proper authorities, that they are of Muskogee descent, and not further removed than the fourth degree.

Sec. 2. All persons who have been at any time adopted by the recognized authorities of the Muskogee Nation, and all persons of African descent, who were made citizens by the treaty of June 1866, between the Creek Nation and the United States, shall hereafter be recognized as citizens of the Muskogee Nation.

Sec. 3. Any person claiming citizenship under these provisions, shall, in order to establish his or her rights, prove the same by a responsible and disinterested native witness before the district court.

Granting that Barber has a strain of Indian blood he has not proven that he is 'not further removed than the fourth degree'.

The act of the Creek Council of October 26, 1889 also provides that-

Sec. 295. All persons who were born, or who may be hereafter born, beyond the limits of the Indian Territory, and may have heretofore been entitled to make application for citizenship, on account of Indian blood or tribal adoption, and who have continuously resided beyond or outside of the jurisdictional limits of the Muskogee Nation for a period of twenty-one years, are hereby

declared aliens, and not entitled to citizenship in the Muskogee Nation, or to any of the privileges thereof.

Sec. 296. The minor children and descendants of persons so declared aliens are hereby also excluded from citizenship in the Muskogee Nation and from all the privileges thereof.

Sec. 297. All persons who have heretofore applied for citizenship in the Cherokee, Choctaw, Chickasaw, or Seminole Nations, and accompanied their application with a declaration of right to citizenship in such nation, by blood or adoption, are hereby declared aliens, and shall not be entitled to citizenship in the Muskogee Nation, or to the privileges thereof.

Sec. 298. This act shall not apply to persons who have heretofore filed application for citizenship where the cases are now pending.

The fair deduction from Barber's testimony is that he was born in Texas and resided without the Creek Nation until 1890 when he was 37 years old, so that he was not within its exception. He was made by the act an alien to the Nation, though he were a full blood Creek and it never has since consented to his rehabilitation to the body of its citizens. Opinion Springer, Judge, Creek Citizenship cases. Decisions U.S. Courts, Ind. Terr., 1899, p. 524."

The Department under date of June 20, 1906 (I.T.D. 5902, 10698-1906), in the matter of the application for the enrollment of Leuvica Tunnell, et al., as citizens of the Creek Nation, held that "Lowes Henry may be identical with Leuvica Tunnell, the maiden name of Leuvica, principal applicant, but it clearly appears that she was born beyond the limits of the Indian Territory and though she may have heretofore been entitled to make application for citizenship on account of Indian blood or tribal adoption, she has continuously resided beyond and outside

of the jurisdictional limits of the Muskogee Nation for a period of over twenty one years, and by section 1 of the act of the Creek National Council approved October 26, 1890 (See Constitution and Laws of the Muskogee Nation 1890, page 177), she is declared to be an alien, not entitled to citizenship in the Muskogee Nation or to any of the privileges thereof."

In view of the law above quoted and in view of the facts in the case as shown by the evidence, I am of the opinion that the conclusions reached and above set out and as appears in the decisions of the Commission previously rendered are correct, and that the applicants included in the consolidated Creek enrollment cases of Theodore Berryhill, et al., Mary Ann Snyder, et al., and Peter Snyder, et al., are not entitled to be enrolled as citizens of the Creek Nation.

The original records in said cases, together with copies of transcript of testimony taken in the later proceedings herein referred to, are inclosed herewith.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

Gr.Mn.993.

Muskogee, Indian Territory, August 10, 1906.

Peter Snyder,

Red Fork, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter under date of August 2, 1906, requesting information as to the status of the Creek enrollment cases of Theodore Berryhill, et al. ~~Mary~~ Ann Snyder, et al. and Peter Snyder, et al.

In reply you are advised that a report in the consolidated cases above mentioned is now under preparation in this office to be transmitted to the Department.

When final action has been had in the matter, you and the other parties in interest will be duly notified.

Respectfully,

Commissioner.

Refer in reply to the following:
Land: 70361-1906.
73140- "

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, November 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith, for Departmental consideration, report of Commissioner Bixbu, dated August 9, 1906, together with the record in the matter of the application of Theodore Berryhill, et al., Mary Ann Snyder, et al., and Peter Snyder, et al., for enrollment as citizens by blood of the Creek Nation.

The above applications were originally considered separately by the Commission and the cases were duly submitted for Departmental consideration. The recommendation of the Commission that the applications be denied, was approved under date of September 20 and 21, 1901. Thereafter the applicants filed motions for rehearing, which under date of October 18, 1905, was granted. (I.T.D. 9071, 9215, 13266-1905).

It appearing that Theodore Berryhill and Mary Ann Snyder are uncle and mother of the applicant Peter Snyder, the Commissioner was directed to consolidate the cases on account of the close relationship. It was further directed that the Commissioner in advising parties in interest of the rehearing, inform them that the best evidence obtainable should be produced in support of the allegations contained in their petition to the effect that they and certain of their ancestors were enrolled on the "Old Settlers' roll", and that they are the identical persons of the

same name mentioned on page 104 of the Creek law book 1893.

In accordance with Departmental order, the parties were duly notified of the date set for rehearing, which occurred in November 15, 1905, and February 12, 1906.

The Commissioner finds that the allegations of Theodore Berryhill and Mary Ann Snyder that they are identical in person with Theodora Berryhill, and Mary Ann Berryhill, whose names appear on page 104 of the Creek law book of 1893, are not proven; that it is shown that the applicants were never admitted by Act of the Creek National Council; that Theodora Berryhill, whose name appears on such list is identical with, and the same as the Theodore Berryhill (son of George W. Berryhill), whose name appears on Creek Indian card, field No. 774, and is contained in a partial list of citizens by blood of the Creek Nation, approved March 13, 1902, opposite No. 2519; and that the Mary Ann Berryhill whose name likewise appears on such list is the same person as Mary Ann Berryhill, daughter of Thomas H. Berryhill, identified as Mary A. Russell on Creek Indian card field, No. 3761 her name appearing in a partial list of Creek Indians by blood, approved March 13, 1902, opposite No. 1221. This Office is convinced, after a careful examination of the record on this point, that the Commissioner's findings are correct.

A letter from the Commissioner to the Department, requesting to be furnished with a copy of the "Old Settlers' roll" of the Creek Nation, elicited the information that the roll could not be found, and the Department accordingly, under date of January 16, 1906, instructed the Commissioner to secure the best secondary evidence thereof, that could be obtained, together with evidence of

the enrollment of the applicants thereon. There was subsequently filed by the attorneys for the applicants what purported to be an extract copy of an original per capita pay-roll of Creek Indians on file in the Treasury Department.

On May 19, 1906, this office forwarded to the Commissioner a copy of the per capita pay-roll of the Creek Nation, submitted by Elias Rector, Superintendant of Indian Affairs, southern superintendency, with sub-voucher No. 20, 4th quarter, 1858, and a similar pay-roll compiled by Elias Rector in June 18, 1859, the originals thereof being on file in the Office of the Auditor for the Interior Department, Treasury Department, in boxes Nos. 453 and 454 respectively.

The heading of the first roll mentioned reads as follows:

"We, the undersigned, heads of families, and individuals, without families, of, and comprising that portion of the Creek tribe of Indians, and their descendants, who emigrated west of the Mississippi River prior to the Treaty of 1832, do hereby acknowledge to have received of and from Elias Rector, United States Superintendent of Indian Affairs, the sums opposite our names and signatures respectively, and that the same is in full of our per capita shares of the sum of one hundred and twenty thousand dollars appropriated by the Congress of the United States in part fulfillment of the sixth article of the Treaty with the Creek and Seminole Indians, of August 7, 1856; and to be in full compensation for our allowance, as such Creeks, to an equivalent for the reservations granted to the Eastern Creeks by the said Treaty of 1832."

The heading of the second mentioned roll reads:

"We, the undersigned Creek Indians, heads of families and individuals without families, do hereby acknowledge to have received of and from Elias Rector, Superintendent of Indian Affairs for the Southern Superintendency, the several sums set opposite to our respective names, in full satisfaction and discharge of our respective shares and interests in and to the sum of (\$200,000) Two hundred thousand dollars heretofore retained by the United States until the removal of the Seminole Indians in Florida to the country west of the Mississippi, with interest at 5 per centum per annum from the 28th August 1856, the date of the ratification

of the Treaty of to the 3rd March 1859, per 6th article, Treaty 7th August 1856, and Act of Congress of 3rd March 1859."

The Commissioner finds that these rolls are certified to by the treasurers of the Creek Nation as to the receipt of certain monies, and by certain chiefs as to their being correct and complete, and that the identification of these rolls as the "Old Settlers' roll" referred to by the applicants seems warranted by the fact that it is claimed by the applicants that old settlers' money was paid to the Creek Indians between the years 1850 and 1860.

The Commissioner further finds that the fact that names of certain Berryhills appear on these rolls, when taken in connection with the testimony, might be considered as prima facie evidence of their identity with the applicants and their ancestors.

He gives it as his opinion, however, that their identity is not material towards establishing the right of the applicants to enrollment for the reason that the rolls are not authenticated tribal rolls of members of the Creek tribe of Indians resident in the Indian Territory.

An examination of the record in this case shows that the applicant, Theodore Berryhill, was fifty years of age as of July 31, 1900; that he was born outside of Indian Territory and did not become a resident thereof until 1891; that the applicant, Mary Ann Snyder, was fifty-two years of age as of July 31, 1900; that she was born outside of the Indian Territory, and up to the time of making application of enrollment she had never resided in the Territory; that Peter Snyder was thirty years old as of

July 31, 1900, was born outside of the Territory and did not establish his residence therein until April 6, 1900.

On this state of facts the Commissioner recommends that the applicants under consideration be denied for the reason that the applicants were born beyond the limits of the Indian Territory and have resided beyond its jurisdictional limits for a period of over twenty-one years, thus losing such rights to enrollment as they may have had, by reason of the provisions of section 1 of the act of the Creek National Council, approved October 26, 1889.

This recommendation is in accordance with the approved opinion of the Assistant Attorney General, for the Department, of September 2, 1904 (I.T.D. 4812-1904), in the matter of the application of James Barber, et al., as citizens by blood of the Creek Nation, and with Departmental action, dated June 20, 1906, denying a similar application of Leuvica Tunnell, et al.

The records show that the above facts as to the birth and residence of the applicants are shown by their own testimony and is not disputed. It is therefore recommended that the applications of Theodore Berryhill, et al., Mary Ann Snyder, et al., and Peter Snyder, et al., for enrollment as citizens by blood of the Creek Nation, be denied.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

A.J.W. NL.

I.T.D. 23386-1906.
13067, 13831-1906.

FHE:JFJr.

LRS.
Direct.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

February 12, 1907.
Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

August 9, 1906, you transmitted the original records, together with copies of testimony taken in later proceedings, in the consolidated enrolment cases of Theodore Berryhill, et al., involving the applications of Theodore Berryhill and his minor children, Isadora, Flora, Elizabeth and Thomas G. Berryhill; of Mary Ann Snyder, et al., involving the applications of Mary Ann Snyder and her minor children, Lizzie, Thomas Franklin, Henry, Katie, ~~Rennie~~, Nellie and Joseph Snyder; and of Peter Snyder, et al., involving the applications of Peter Snyder and his minor children, Mary Ann, Lena Adaline and Stephen O. Snyder.

You stated that you were of the opinion, in view of the facts in the case as shown by the evidence, that the conclusions reached and set out in the decisions of the Commission to the Five Civilized Tribes previously rendered, are correct, and that the applicants in said consolidated cases are not entitled to enrolment as citizens of the Creek Nation.

Reporting November 21, 1906 (Land 73140-06), the Indian Office recommends that the applications be denied. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decisions of the Commission in the cases of Theodore Berryhill, et al., Mary Ann Snyder, et al., and Peter Snyder, et al., dated September 13, September ⁶~~X~~, and September 5, 1900, respectively,

adverse to the applicants, are hereby * reaffirmed.

The papers in the cases have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 inclosure.
Carbon copy and 8
inc. for Ind.Of.

Muskogee, Indian Territory, March 5, 1907.

Mary Ann Snyder, alias Peggy Snyder,
Red Fork, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 12, 1907, reaffirmed the decision of the Commission to the Five Civilized Tribes, denying the applications for the enrollment of yourself and minor children, Lizzie, Thomas Franklin, Henry, Katie, Emma, Nellie and Joseph Snyder as citizens of the Creek Nation, in connection with the cases of Peter Snyder et al. and Theodore Berryhill, et al.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 5, 1907.

Wok E. Brook,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 12, 1907, reaffirmed the decision of the Commission to the Five Civilized Tribes, denying the applications for the enrollment of Theodore Berryhill et al. as citizens of the Creek Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 5, 1907.

Theodore Berryhill,
Fisher, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 12, 1907, reaffirmed the decision of the Commission to the Five Civilized Tribes, denying the applications for the enrollment of yourself and minor children, Isadora, Flora, Elizabeth and Thomas G. Berryhill; of Mary Ann Snyder and minor children, Lissie, Thomas Franklin, Henry, Katie, Emmie, Nellie and Joseph Snyder; and of Peter Snyder and minor children, Mary Ann, Lena Adaline and Stephen O. Snyder as citizens of the Creek Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 5, 1907.

Peter Snyder,

Red Fork, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 12, 1907, reaffirmed the decision of the Commission to the Five Civilized Tribes, denying the applications for the enrollment of yourself and your minor children, Mary Ann, Lena Adaline and Stephen O. Snyder as citizens of the Creek Nation, in connection with the cases of Mary Ann Snyder et al. and Theodore Berryhill et al.

Respectfully,

Commissioner.

CR EN 994

CR EN 994

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, October 31, 1905.

In the matter of the alleged application for the enrollment of Gains Medlock et al as citizens by blood of the Creek Nation.

W.H. McCarver, attorney for applicant. (of Fallis, Ok.)
The office of the attorney for the Creek Nation communicated with by telephone and this office was advised that he was out of the city.

Gains Medlock, being duly sworn testified as follows:

Q What is your name? A Gains Medlock
Q What is your age? A 51 years
Q What is your post office address? A Fallis, Oklahoma
Q Do you claim to have made application to the Commission to the Five Civilized Tribes prior to September 1, 1904, for enrollment as a citizen by blood of the Creek Nation? A I did
Q When did you claim to have made that application?
A It was five years ago the first of September, this last Sept.
Q You made it then in September 1900, is that correct? A Yes, sir
Q Did you make application at that time for any one besides yourself? A For my wife and children
Q Give the names and spell each name of your wife and children for whom you claim to have made application at that time? A I cant read or write but I can call off the names: Edna my wife, and my children Eliza, Lona, Rachel, Hayes, Mitchell and Ham Medlock and Mary Marshall That's all
Q Edna was your wife? A Yes, sir
Q All the others are your children? A Yes, sir
Q How old is the oldest of those children? A Eliza is about 22
Q How old is the youngest? A 12 years old
Q Where did you come to make that application? A Right here
Q You came yourself to Muskogee? A Yes. This is the fourth time I have been to Muskogee
Q You came to have come to the Commission and made application
A The Council was in session at Okmulgee and I put my claim in there by Wiley McIntosh and he claimed he passed me through the council and that's the last I heard from it
Q You claim then that you made an application through Wiley McIntosh to the Creek council for enrollment? A Yes, sir
Q Did you ever make application to the Commission to the Five Civilized Tribes for enrollment? A No, sir
Q Are you certain of that? A Yes, sir
Q When did you first start writing letters to the Commission to the Five Civilized Tribes about your right to enrollment? A I came myself here, old man Tobe McIntosh done the writing and he mailed a letter to Wiley and Sookkey McIntosh.
Q I asked you when you first started writing to this Commission to the Five Civilized Tribes (Points to atty. and says I got you to do the writing)
Q The only letters that have been written for you to the Commission to the Five Civilized Tribes were written by your attorney W.H. McCarver, were they? A Yes, sir
Q And you started that correspondence with the Commission about how long ago? A I really cant say that I will have to get my attorney to make out that.

Q Was it this year? A I think it was
Q And that was the first correspondence or dealings of any kind that you had with the Commission to the Five Civilized Tribes?
A Yes, sir

By Atty.

Q You dont exactly understand, was this the only communication you had with the Commission to the Five Civilized Tribes relative to enrollment? A Yes, sir
Q What did you do in 1904 as you have already stated about making your application to the Indian Commission at Okmulgee. Did you ever make any affidavits or anything? A No, sir
Q What relation did you and Wiley McIntosh bear while you attempted to procure your claim at the Creek National Council
A He was my attorney at that time.
Q Did he make any statements that he had passed it through the Commission? A No, sir, all he told me was he had passed it through the council, didn't say he had passed it through the Commission

By Commission

Applicant files letters received from Wiley McIntosh by Gains Medlock.

Q This money he states he received from you was sent to Wiley McIntosh for taking care of your claim before the Commission and the Creek Council? A Yes, sir
Q Was any of the money represented by these receipts sent to Wiley McIntosh for taking your claim before the Commission to the Five Civilized Tribes, (commonly called the Daves Commission), the United States Court in Indian Territory or the Secretary of the Interior? A It was before the U.S. the \$50 I sent over to Washington.

By Attorney.

Q Did you understand that that \$50 was to be paid to him to prosecute your claim there before the Interior Department? A Yes,
Q Did you understand while you were paying him this money that he was prosecuting your claim before the Commission of Indian Affairs? A Yes, sir
Q And you understood that in 1900 and 1902 when you sent this money? A Yes, sir
Q When did you find out that you didn't have your claim before the Indian Commissioner of Indian Affairs? A I couldn't hear from him, he kept writing to get money and after getting the \$50 to send to Washington he quit writing.
Q To what Department did he say he was sending that \$50?
A To Washington before the Indian agent of the Interior
Q Did you believe all the time that your claim was before the Commissioner of Indian Affairs at Muskogee? A Yes, I did
Q And before the Commission to the Five Civilized Tribes? A Yes, sir
Q Did you understand that before 1904? A Yes, sir, the last time I saw him he said my name was enrolled.
Q When was that? A Year before last
Q That was in 1903? A Yes, sir

I, Anna Garrigue, state on oath that the above is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 12 day of November 1906.

Anna Garrigue
J. M. Dumas
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IDEAL TERRITORY, NOV. 10, 1905.

In the matter of the alleged application for the enrollment of Gains Medlock, et al., as ~~six~~ citizens of the Creek Nation.

Wiley M. McIntosh being first duly sworn testifies as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Wiley M. McIntosh.
Q What is your age? A Forty-nine.
Q What is your post office address? A Muskogee.
Q Do you know Gains Medlock? A Yes, sir.
Q How long have you known him? A About twenty years or more.
Q Gains Medlock states that he employed you to make an application for his enrollment to the Commission to the Five Civilized Tribes and that you made such an application for his enrollment. Did you ever do so? A No, sir, not before this Commissioner.
Q Did you ever make it to the Commissioner of Indian Affairs? A No, sir, made it to the Council.
Q Did you ever make it to the Secretary of the Interior? A He written several letters for him to the Secretary of the Interior regarding the matter.
Q Regarding his case? A Yes, sir.
Q He has filed in this case a letter which he states is from you in which you state that "I say to you that the thing is going along very nicely. The case has passed the Commissioner of Indian Affairs and is now before the Secretary for his approval. It takes so much money to do this. I sent them and they sent it back to me and said for me to send them \$50. They wants all of us out of the fifty-seven names to send \$50 apiece to carry the matter through. They say it takes that and no more". Do you remember writing him a letter like that? A Yes, sir, for Robert Stewart.
Q You state "the case has passed the Commissioner of Indian Affairs and is now pending before the Secretary of the Interior"? A I was speaking of the Creek Indian Council.
Q Didn't you know that in 1903, at the time this letter was written, the Creek Council had noting more to do with admitting persons to citizenship? A He had that before then.
Q This letter is dated 1903 - February 26, 1903? A That is true but he had his matter before the Creek Council before that time.
Q The series of letters he has filed here from you are from 1901 to 1903 and in all of them they are asking him for money, some times his case is before the Commissioner of Indian Affairs and some times before the Creek Council. I ask you, didn't you know that in 1901, 1902 or 1903 the Council had nothing more to do with the matter? A A 1901, 1902 and 1903, the Council had nothing to do with it but he had his matter before the Creek Council before that time. Robert Stewart had his case not me.

Q Who is Robert Stewart? A He is dead now, he was one of the Creek ~~Commissioner~~ Council, he had his case before the Council in 1884.

Q We are talking about 1902 and 1903, you were tending to his case? A I was writing for Robert Stewart.

Q The letters are written under your name? A Yes, sir.

Q The money was sent to you? A How much money was sent to me?

Q We have several letters from you acknowledging receipt of \$25 and \$15 at a crack? A I would like to see them.

Q We have them here to be kept for the time being. Did you ever make an application for the enrollment of Gains Medlock before the Commission to the Five Civilized Tribes?

A No, sir.

Q Did you ever make one before the Commissioner of Indian Affairs? A No, sir.

Q Or the Secretary of the Interior? A I have written to the Secretary of the Interior in regard to his matter several times.

Q When was that? A 1903, 1904 and 1905 I think and 1884.

Q Did you get any reply from the Secretary of the Interior? I have one reply from the Secretary of the Interior to come before this Commission.

Q Why didn't you present his application to this Commission?

A He has never been here, Gains Medlock has been in Mexico or Texas. He came in the other day. I was notified to appear here on the 14th.

Witness is notified to appear before this office on the 14th of this month in accordance with the notice heretofore sent him and to bring with him any communication he may have from the Secretary of the Interior relative to this case.

Q Now on the 14th Medlock and his lawyer will be here at this office and we notified you to appear on that day and we want you to get this straightened out and if you have any letters from the Secretary of the Interior bring them along. In the meantime we will write to the Secretary of the Interior from here. That is all. A Yes, sir, I have the notice.

Witness excused.

Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said case on said date.

Chas. T. Difendafer

Subscribed and sworn to before me this 10th day of November 1905.

E. A. Williams

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, November 14, 1905.

In the matter of the alleged application for the enrollment of Gains Medlock, et al. as citizens by blood of the Creek Nation.

W.H. McCarver of Fallis, Oklahoma, appeared for applicant/ Office of attorney for Creek Nation communicated with by telephone and this office is advised that he is out of the city.

Wiley M. McIntosh being first duly sworn testified as follows:

BY COMMISSIONER.

Q State your name, age and post office address? Wiley M. McIntosh, 49 years of age, postoffice Muskogee, Indian Territory.

By Attorney McCarver.

Q What is your business? A Real estate.

Q Have you been practicing before the Commissioner of Indian Affairs in this Territory. A No, sir.

Q You are acquainted with Gains Medlock are you? A Yes, sir I am acquainted with him.

Q You had his case prosecuting it for him to become a citizen of this nation did you? A No, sir, not I

Q You say your name is Wiley M. McIntosh? A Yes, sir that is my name.

Q How long have you known Gains Medlock? A 25 or 30 years, or more.

Q Did you ever correspond with him? A I did

Q How long since the first correspondence you had with him? A In 84 or 83 and 93

Q Did you correspond with him in 1900? A I don't know whether I did or not, I may have.

Q (showing witness letter) Is that your signature there? A Yes, sir

Q Did you state to him that you was prosecuting his claim to become a citizen of the Creek Nation? A Yes, sir, I--it wasn't me did it.

Q What did you mean by saying to him in a letter that you had passed him through the Commissioner of Indian Affairs and that the papers was sent to the Secretary of the Interior for approval? A I can explain that, that was the decision of Robert Stewart. Robert Stewart had the case.

Q He wasn't attorney for Mr. Medlock, you had his work? A I answer, all these papers--

Q Did you ever see Gains Medlock in Muskogee before October 31, 1905? A I haven't seen him since the last time I was here.

Q When was that? A I forget what day it was.

Q Had you seen him before that time? A Yes, sir

Q Some time in the year 1900 he made an affidavit and turned it over to you for the purpose of prosecuting his claim before the Commissioner of Indian Affairs? A No, sir

Q Where was that affidavit filed? A It was placed in the hands of Robert Stewart and filed at Okmulgee

Q You were aware at that time that the council at Okmulgee had no authority to enroll citizens? A Yes, I knew it, he knew it too.

Q Did you ever receive any papers from any authorities under the government either the council at Okmulgee, from the Indian Agency or from the Secretary of the Interior? A All the papers I received during the council I received from Robert Stewart. He told me what to write.

Q Why didn't you inform him that Robert Stewart was his attorney? A It wasn't Robert Stewart personally.

Q Did you ever see him at Okmulgee? A Yes, I saw him at Okmulgee several times applying for his citizenship at the council.

Q When you sent to him for money to prosecute his claim before that council as you state why did not you at that time know that you were not prosecuting his claim before that council? A I wasn't, Robert Stewart was and the money was for him to prosecute his claim.

Q You knew in 1902 that the Creek council had no power? A Yes, sir

Q And still you wrote him for money to prosecute his claim?

A In 1902?

Q Yes A I did for Robert Stewart because he was his attorney.

I don't claim that I helped Robert Stewart before the council.

Q You knew Robert Stewart wasn't prosecuting this claim. He was

Q You knew Robert Stewart was prosecuting this claim and at the same time you knew that the body before whom he was prosecuting the claim had no authority. A It was Robert Stewart not I

Q When did he first get this claim? A In 83 or 84 At one time it was stated to the council that this man had passed.

Q What did you mean when you said you had passed him through the Commissioner of Indian Affairs and that you had transmitted his case to the Secretary of the Interior for approval, explain that?

A That was through Robert Stewart's decision. I was acting merely as a clerk for Robert Stewart. He was managing this case. All the money that I received from this man went to Robert Stewart

Q Why didn't you sign his name by you? A I would answer that question, because I did the way he told me, and he knows it too that man standing there. (Indicating Medlock). We receive letters from the Interior Department by the Secretary, I was acting the same as the Secretary for Robert Stewart; that's why my name was on it.

Q What did you mean when you said you had to get your men to work for it and to send money so you could pay them? A That was Robert Stewart's decision, he was attorney for that man and he had to get men to work for him.

Q He sent some money to the council? A I don't know

Q What did you mean when you said you had five men to help him?

A That was Robert Stewart's decision, he had five men to help him to pass on his claim in Okmulgee and they were the most important men in the council that he had to get to pass on this man's citizenship.

Q Presents letter to witness, dated November 1, 1902- signed Wiley McIntosh? Is that your letter? A That's mine They are my papers

Q Then you had men working for you at that time? A I didn't

Q Did you write that letter? A Yes, we had five men working for not me but Stewart-working for this man here. I wrote this for Robert Stewart. Every dollar I received went to Robert Stewart.

Q Presents letter dated Feb. 26, 1903, is that your hand writing?

A That's my hand writing. Yes, sir

Q You failed to sign that letter? A I don't know why I didn't sign it. It's my hand writing, I wrote it.

Q Presents letter dated September 2, 1902, is that your signature?

A Yes, that is my signature, that's my letter.

Q Why did you state to him "I want to get all the money I can to put it through I have to have money to pay my witnesses, father

and Seekey Wiley to help me". Why did you tell him you had to pay these men? A Because that was the decision of Wiley Seekey and Stewart, not me.

Q That was in 1902 and you say you knew that the council had no authority to pass on claims of that kind? A That was Stewart's decision.

BY COMMISSIONER.

Q You knew Robert Stewart right well? A Yes, sir

Q Did you know his whole family? A I knew his wife but I forget her name. He married some relative of mine

Q Did you know his father's name? A No, sir

Q Did you know his mother? A No, sir

Q Did you ever know any body by the name of Lucy Scott? A I don't believe I knew Lucy Scott.

Q How old a man was Robert Stewart? A I presume about the same age as I am, about 40 something like that

Q We have a letter from you to Gains Medlock dated June 4, 1902 in which you ask him for more money, what did you want the money for? A Robert Stewart wanted that money.

Q You gave it to Robert Stewart did you? A Yes, sir every dollar of it.

Q We have a letter dated November 1, 1902 asking for more money did you give that to Robert Stewart too? A Yes, sir

Q We have one dated February 26, 1903 in which you ask for more money? A Robert Stewart got that

Q You state that all these letters were written under the direction of Robert Stewart? A Yes, sir

Q Those in 1902 and 1903? A Yes, sir and every dollar I received from him went to Stewart

Q Where did Stewart live? A He lived just west of Okmulgee, I don't know how far.

Q Near Holdenville? A Near there

Q What town did he represent in the council? A I disremember now

Q Little River Tulsa? A Something like that. He was in the council same time I was. I served 21 years.

Q All this money you got in 1902 and 1903 was for Robert Stewart?

A Yes, sir

Q You are certain the money you got in 1903 was for Robert Stewart

A Yes, sir

It appears from the records of this office that on November 19, 1902, there were filed the affidavits of Lucy Stewart and James H. Alexander to the effect that Robert Stewart died July 12, 1901.

Q Where did you send the money you got in 1902 and 1903 for this dead man? A Sent it to his wife

Q Did his wife take his place and continue to advise you to work Medlock for more money? A No, sir

Q Who were you writing the letters for then? When did Robert Stewart die did you say

Q In 1901 A Did I receive money from him in 1902

Q Yes from your letters in 1902 and 1903 A If I have I don't know it. I paid the committees that was before the council

Q You told him in one letter that his case had passed the Commissioner of Indian Affairs and was before the senate?

A Robert Stewart--

Q You wrote that letter in 1903 and he died in 1901? A That was for the men that were working for Stewart. I don't know he sent any money.

Q Medlock has filed in this case the postal money receipt for \$10.00 that he sent you May 4, 1903 what did you do with that?

A I turned it over to Seekey Wiley and my father

Q When did you discover that? A The moment I received it.

Q A moment ago you said you gave it to Robert Stewart? A All the money that came to me went to Robert Stewart.

Q How did you do after he died? A All the witnesses had to be paid.

Q You sent for the money and you received it? A Yes, sir

Q And you signed for it? A Yes, sir

Q In these letters you never referred to Robert Stewart? A No, sir

Q In these letters written in 1902 and 1903 when you kept asking Madlock for money and acknowledge you received money, what did you do with it where were you prosecuting his case? I wasn't prosecuting his case anywhere in 1902 and 1903.

Q What were you getting money out of him for? A To pay those witnesses.

Q What do you mean by saying in 1902 that the case was before the Secretary of the Interior? A That was Robert Stewart

Q When did he tell you that? A He told me that.

Q You mean that Robert Stewart when he was alive decided what you were to tell Madlock to get more money out of him? A No, sir

Q Why did you tell him in 1902 that the case was pending before the Secretary of the Interior? A Because I had the decision.

Q Why did you tell him that? A Because that was the instruction of Robert Stewart to me

Q Robert Stewart was dead two years before that and still you acted under his decisions? A Yes, sir

Q During this time 1902 and 1903 particularly in 1902 you claimed to be prosecuting this case before the Creek council and you have already said you knew the Creek council had no power to act at this time, why then were you getting money out of him? A I wasn't.

Q You said you were? A I said Robert Stewart was.

Q Robert Stewart was dead in 1902 and you knew the Creek council was without power in 1902 and 1903 to do anything about this citizenship case? A Yes, sir

Q If you knew that why did you bleed him for more money?

A To prosecute his case before the council you knew had no power or authority? A I asked him for money to pay off those witnesses

Q Why did you tell him the case was pending and you thought you could get it through etc. In June 4, 1902, several months after the death of Robert Stewart--Reads letter of June 4, 1902

A That was our decision.

Q That was what you decided to tell him? A That was Robert Stewart's decision. These men presented his case the council just as straight as anything. At that time we had a right to pass on the case without the consent of the Dawes Commission

Q Don't you know that since early in 1897 the council had no authority over these cases? A Yes, sir

Q You still pretend to have been acting on his case in 1902? A What was done was done through Robert Stewart

Q You bled him for money in 1902? A How

Q You get between \$150.00 and \$200.00 A I would like to see the receipts for it

Q November 1, 1902 I received money all over A If I received \$150.00 I will find where the money is.

Q There are other letters and money order receipts for amounts of \$10. to \$25.00 at a crack that you kept on getting from him for 2 or 3 years. I would like to see the receipts for it.

Q Did you at any time ever make an application to the Commission to the Five Civilized Tribes, the Secretary of the Interior or the Commissioner of Indian Affairs at Washington for the enrollment of this man Gaine Madlock? A I didn't do it Robert Stewart might have done it because he was his attorney.

Q You didn't do it? A No, sir Every thing was done through his hands.

Q Including those letters written after he was dead? A They were through his decision.

Q How could he give a decision 2 years after he was dead? A I don't think it was 2 years.

By Attorney.

Q You remember my being in your office with Gains Medlock the 30th of October last dont you? A Yes, sir

Q Do you remember telling me then that you had filed his papers and that they were then before the Secretary of the Interior?

A I dont know.

Q Do you remember looking in a book and then telling him in my presence that his case was pending before the Secretary of the Interior? and fifteen more? A I dont know

Q Did you tell him to write to the Secretary of the Interior and ascertain whether his case was pending there? A I dont know

Q And didn't I draw out a letter that was written by the Interior Department stating there was no enrollment there? A No sir

Q And didn't you at that time order me out? A No, sir I didn't

Gains Medlock being duly sworn testified as follows:

By COMMISSIONER.

Q I have here a U.S. postal money order receipt for \$6.00 that is dated April 2, 1903 to whom did you send that money? A All the money I sent was to Wiley McIntosh

Q Did you send him this \$6.00? A I cant exactly remember. Every time he would write me I would send money, either \$6.00 10.00 or \$20.00

Q I have a money order receipt dated March 31, 1903 for \$15.00 to whom did you send that money. A To McIntosh, Wiley McIntosh

Q I have a money order receipt dated November 6, 1902 for \$10.00 to whom did you send that money? A Wiley McIntosh

Q I have a money order receipt dated May 19, 1903 for \$5.00 to whom did you send that money? Wiley McIntosh

Q I have a receipt dated March 4, 1903 for \$10.00 to whom did you send that money? A Wiley McIntosh.

By Atty.

Q You heard the testimony of Mr McIntosh did you? A Yes, sir

Q Did you know Robert Stewart? A No, sir

Q Did you ever see him? A No, sir

Q Did you engage Wiley McIntosh to prosecute your claim for enrollment to whom did you ask him to carry it? The Indian Agent or Indian Commissioner or one who had power.

Q Did you ever have a conversation with Wiley McIntosh in this town while he was prosecuting your claim? A Twice

Q What did he tell you in regard to prosecuting your claim?

A He stated he was waiting for returns from the Interior Department

Q Did you tell you he was prosecuting your claim before the Commissioner of Indian Affairs? A Yes, sir

Q Did you believe at the time you were paying him this money that he was prosecuting your claim to be enrolled as a Creek citizen before the Commissioner of Indian Affairs? A Yes, sir Some letters he wrote were that sweet that you would smile.

Q Did he ever tell you he would select land for you to file on?

A He told me he would pick it for me

Q Where? A In the Creek Nation, he told me he wanted it in the direction of Okmulgee.

Q Didn't he tell you that you could select your land about Okmulgee? A Yes, sir

Q Were you ever at Okmulgee? A No, sir, This is as close as I have ever been to there

Q Did you ever make an affidavit for the purpose of being filed

before the Commissioner of Indian Affairs to prosecute your claim to be enrolled as a Creek citizen? A That was my idea.

Q Was an affidavit made? A I don't know

Q Were any papers draw up which you were to file? A I don't know.

Q How did you enter your claim? A I sent it in by McIntosh

Q Did you send an affidavit for yourself? A Yes and Wiley told me I passed through. The last time we talked he told me it was all right that he had done sent the papers to the Interior at Washington and to go home and be satisfied, and I went home and was satisfied, was for a while and then I got worried.

Q You had been believing all the time that you were enrolled? A Yes, sir

Q Beginning in 1894? A Yes, sir I thought it was all right that all I would have to do was to get the land. I believed in him just like the sun was going to come down.

At the request of attorney for applicant he is given twenty days within which to file a brief and argument in this case.

COMMISSIONER.

Q Did you ever employ Robert Stewart as counsel for you in your case before the council at Okmulgee. A The first time I ever heard his name is today

Q Did you ever appear before the Creek council in regard to your case? A I never have been in Okmulgee in my life.

Q Did you ever appear before the Creek council anywhere else?

A No, sir

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this 16 day of November 1905.

J. M. McDermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, November 15, 1905.

In the matter of the alleged application for the enrollment of Gains Medlock as a citizen by blood of the Creek Nation.

APPEARANCES: W.H. McCarver attorney for applicant.
The office of the Creek Nation's attorney communicated with and this office was informed that he was out of the city.

BY COMMISSIONER.

Willie Sims being duly sworn testified as follows:

Q What is your name? A Willie Sims.
Q What is your age? A Going on 53
Q What is your post office address? A Muskogee
Q Are you a citizen of the Creek Nation? A No, sir
Q States man? A Yes, sir
Q Do you know Gains Medlock? A Yes, sir
Q How long have you known him? A 21 years.

By Attorney.

Q Are you acquainted with Wiley McIntosh? A Yes, sir
Q Did you know Gains Medlock four years ago? A Yes, sir
Q Were you in Muskogee at that time? A Yes, sir
Q Did you see Gains Medlock in Muskogee at that time? A Yes, sir
Q State whether Gains Medlock through Wiley McIntosh made an application to be enrolled as a Creek citizen, before the Dawes Commission four years ago? A I came here going on six years ago and he came down to my camp Wiley McIntosh came down there at that time. He came down and took Gains Medlock and myself and Gains made an application, claimed that he was a Creek lawyer that was the way he gave it to me. Gains paid him at that time \$10.00 to take his case before the Dawes Commission and the Creek council.
Q Did Wiley McIntosh have Gains sign any kind of a paper for the purpose of being filed before the Dawes Commission? A He did
Q State whether or not he made an affidavit at that time? A He was to make an application.
Q Did you know Robert Stewart? A I never knew him. Never heard of him.
Q This application that you speak of was made in Muskogee was it?
A Right here on the edge of town.
Q State if that was done four years ago? Yes, sir, he was to carry it before the Dawes Commission

By Commissioner.

Q What time of the month four years ago was that? A It was some time
long about October. Either August or October four years ago

Q Do you know whether Wiley McIntosh ever did present any of those papers? A I don't know

Q That was all you know? A Yes, sir

Q You don't know whether Gains had look of any one else ever did anything before the Dawes Commission? A I don't know that.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this 18 day of November 1905.

J M Dermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Gains Medlock, Edna Medlock, Eliza Medlock, Lona Medlock, Rachel Medlock, Hayes Medlock, Mitchell Medlock, Ham Medlock and Mary Marshall as citizens by blood of the Creek Nation.

D E C I S I O N.

On October 31, 1905, Gains Medlock appeared before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory and testified "in the matter of an alleged application for the enrollment of Gains Medlock, et al., as citizens by blood of the Creek Nation." Although the testimony herein was not introduced within the time designated by the Secretary of the Interior, under the authority in him vested by the provisions of the Act of Congress approved March 3, 1901, jurisdiction to consider applications filed prior to December 1, 1905, was given to this office and the Department by the provisions of the Act of Congress approved April 26, 1906, (34 Stat. L., 137), and said testimony is herein considered an original application for the enrollment of said Gains Medlock, his wife, Edna Medlock, and their children, Eliza, Lona, Rachel, Hayes, Mitchell and Ham Medlock and Mary Marshall. Copies of letters from Wiley McIntosh, introduced on the date of the original proceedings, bearing the dates June 4, 1902, August 18, 1902, September 7, 1902, November 1, 1902, February 26, 1903, and March 22, 1903, are attached to and made a part of the record herein. Further proceedings were had on November 10, 1905, November 14, 1905, and November 15, 1905.

The evidence in this case shows that the said Gains Medlock was fifty-one years old on the date of the original application, that Edna Medlock was his wife and that Eliza Medlock, Lona Medlock, Rachel Medlock, Hayes Medlock, Mitchell Medlock, Ham Medlock and Mary Marshall were their children.

It does not appear from the records in the possession of this office that any of the applicants herein have ever been admitted to citizenship in the Creek Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896, (29 Stats. L., 321), or the United States Court on appeal, and it does not appear that the names of any of the applicants herein are included in any of the tribal rolls of the Creek Nation.

The evidence fails to show that any of the applicants herein have ever removed to and in good faith established a permanent residence in Indian Territory.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Gains Medlock, Nina Medlock, Eliza Medlock, Lona Medlock, Rachel Medlock, Hayes Medlock, Mitchell Medlock, Ham Medlock and Mary Marshall as citizens by blood of the Creek Nation and the application for their enrollment as such is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 23 1887

Gr.En. 994

Muskogee, Indian Territory, January 8, 1907.

Mary Marshall,

Pallis, Oklahoma.

Dear Madam:

You are hereby notified that you will be allowed ten days from this date within which to appear at this office with such witnesses as you may wish to introduce in the matter of your right to enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

Cr.No.994.

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Gains Madlock et al., as citizens by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM- 451.

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, February 23, 1907.

M. L. Mott,

Attorney for Creek Nation.

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Gains Medlock, et al as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

L.M. 452.

Muskogee, Indian Territory, February 23, 1907.

Gains Medlock,
Ballis, Oklahoma Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself, Edna, Eliza Lona, Rachel, Hayes, Mitchell and Ham Medlock, and Mary Marshall as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
L.M. 480.

Cr. En. 994.

Muskogee, Indian Territory, February 23, 1907.

W. H. McCarver,

Fallis, Oklahoma Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Gains Medlock et al., as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
IN-553.

COPY.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.

Land
20393-1907.

WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed report of Commissioner Bixby dated February 23, 1907, transmitting the record in the matter of the application for the enrollment of Gains Medlock, et al., as citizens by blood of the Creek Nation, together with the Commissioner's decision of February 23, 1907, denying the application. The parties to this case are Gains, Edna, Eliza, Lona, Rachel, Hayes, Mitchell and Ham Medlock and Mary Marshall.

The record in the case has been carefully examined and it is believed that Commissioner Bixby's decision is correct. Its approval is recommended.

Very respectfully,
X C.F. Iarrabee,
Acting Commissioner

GAW-W

LRS

DEPARTMENT OF THE INTERIOR
WASHINGTON.

JP

PM

I.F.D.
6122, 6180, 6690, 700, 7225-07.
7338, 7412, 7434, 7444, 7800-
7890, 9436, 9676, 7712, 7746-2.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek enrollment cases
adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Sarah Ann Turner and Dugan Root, deceased,	February 18, 1907.
C. D. Farrar, et al., (Freedman)	February 12, 1907.
Harvard Luckey (Freedman)	February 14, 1907
Simon Harje et al.,	February 19 1907
Minnie Davis (Freedman)	February 18, 1907.
Harjeche,	February 21, 1907
Frank Brown,	February 2, 1907.
Caesar Sandridge, deceased, (Freedman)	February 19, 1907.
John Shelby Johnson,	February 23, 1907
Nellie Colbert, et al., (Freedman)	February 16, 1907
Winnie Evans (Freedman)	February 19, 1907
Austin Kennard,	February 21, 1907
Gains Kedlock, et al.,	February 23, 1907
Jeffrey Gough deceased, (Freedman)	February 25, 1907
Bea Dorcas, et al.,	January 18, 1907.

Copies of Indian Office letters submitting your reports
and recommending that the decisions be approved, are inclosed.

A copy hereof and the papers in the above mentioned cases
have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

16 inc. and 32 for Ind. of.
with copy hereof.

Assistant Secretary.

WKF 3/4/07.

Cr. Ea. 994

Muskegee, Indian Territory, March 11, 1907

Gains Medlock,

Fallis, Oklahoma Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of yourself, Edna, Eliza, Lona, Rachel, Hayes Mitchell and Ham Medlock, and Mary Marshall as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 11, 1907

W. H. McCarver,
Attorney at law,
Pallis, Oklahoma.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilised Tribes, denying the application for the enrollment of Gains Medlock, et al, as citizens by blood of the Creek nation.

Respectfully,

Commissioner.

CR EN 995

CR EN 995

MEMORANDUM.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Okmulgee, Indian Territory, May 18, 1901.

In the matter of the application of R. W. Barber for enrollment as a citizen of the Creek Nation.

R. W. Barber being first duly sworn testified as follows:

Examination by Acting Chairman Bixby:

- Q What is your name? A R. W. Barber.
- Q How old are you? A 31 years old.
- Q What is your postoffice address? A Wagoner, I. T.
- Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek nation? A Yes sir.
- Q Have you ever been enrolled as a citizen by the tribal authorities of the Creek Nation? A Yes sir.
- Q Does your name appear upon the authenticated roll of 1890?
- A Yes, as R. W. Bailer.
- Q Do you know that the R. W. Bailer that appears on the Broken Arrow town roll for 1890 is meant for yourself? A My town king when he had the rolls here made a misprint, and he corrected it and I drew the money.
- Q It does not appear to have been corrected on this roll? A On the town king's roll it was.
- Examination of the authenticated roll for the year 1890, Broken Arrow town, Creek Nation, discloses the fact that the name of R. W. Barber does not appear thereon, but on page 224, there does appear the name of R. W. Bailer.
- Q Did you draw the \$14.40 in '95? A No sir.
- Q Is your name on the rolls of Broken Arrow town for 1895? A No—it was until they scratched it off.
- Q How do you know it was on the roll; it does not appear to be on the roll? A It was on the roll until the town king scratched it off.
- Q It was on the town king's roll? A I guess it was on the pay roll.
- We have the pay roll, Broken Arrow Town, for 1895, in our possession, and upon examination of that roll it discloses the fact that neither the name of R. W. Barber, nor the name of R. W. Bailer appears thereon.
- Q You didn't get the \$14.40? A No, I didn't.
- Q Do you know why your name does not appear upon the roll of 1895?
- A I understood they scratched it off; that is all the reason.
- Q Who scratched it off? A Some town king, in a town king fight.
- Q Isn't it your understanding that the Committee of eighteen, consisting of members of the Creek council for that year, took your name from the 1895 roll? A No, that is not my understanding.
- Q How does it happen that your mother's name was taken off by the Committee of 18? A It was not taken off; it was not on there.
- Q Then your case is not the same as the case of Martha S. Coker?
- A She is my sister.
- Q Wasn't your name taken off the roll at the same time your sister Martha S. Coker's was? A Yes sir.
- Q Wasn't it taken off in the same manner? A Yes, it was taken off in the same manner—guess it was.
- Q Did the Colbert Commission, in the year 1896, take any action in regard to your case? A I don't know whether they did or not; they never notified me.
- Q You was not re-admitted by the Colbert Commission in 1896, were you? A No sir.
- Q Did't you have an application before the Colbert Commission in 1896? A No, it was in the year 1895; they never notified me about it.
- Q Did you apply to the Commission to the Five Civilized Tribes in

2-R. W. Barber.

the year 1896 for admission to citizenship in the Creek nation?

A Yes sir.

Q What action did the Commission take in regard to your case?

A They denied it.

Q Did you take an appeal from the decision of the Commission to the United States Court? A Yes sir.

Examination of the records of the Commission discloses the fact that R. W. Barber made application for admission to citizenship in the Creek Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, and was rejected; and that an appeal was taken from the decision of the Commission to the United States court for Indian Territory, and the decision of the Commission was sustained.

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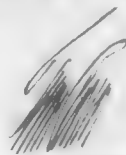
Your application for enrollment as a citizen of the Creek Nation is refused. You will be furnished at a later date with a copy of the decision of the Commission in writing, giving its reasons in full for refusing your application, mailed to your postoffice address as given in your testimony.

-----0-----

Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all testimony and proceedings had in the above entitled cause on the 18th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 20th day of May, 1901.



Acting Chairman.

36.
DEPARTMENT OF THE INTERIOR.
OCT 31 1905
Returned with No. 14326
Inclosure 2 IND. TER. DIV.

Department of the Interior,
RECEIVED
JAN 23 1902
Enc. No. 2 of 447
Indian Territory Division.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, November 29, 1905.

In the matter of the application for the enrollment of
R.W.Barber as a citizen by blood of the Creek Nation.

APPEARANCES: E. Hastain, attorney for applicant.
No appearance for Creek Nation.

Richard W. Barber, being duly sworn, testified as follows:

BY COMMISSIONER:

Q What is your name? Richard W. Barber.

Q What is your age? A 35

Q What is your post office address? A Wagoner.

Q Are you the same person that on May 18, 1901 made application
for enrollment as a citizen of the Creek Nation? A Yes, sir

By E. Hastain.

Q State whether your name appears upon the tribal rolls of the
Creek Nation, the 1890 and 1895 rolls? A We drew money, it was
signed Bailer instead of Barber

Q You drew the \$29.00 payment? A Yes, sir

Q Are you a brother of R.F.Barber? A Yes, sir a twin brother.

Q He was enrolled and received his allotment? A Yes, sir

Robert T. Barber being duly sworn testified as follows:

Q What is your name? A Robert T. Barber.

Q Do you know the applicant in this case, R.W.Barber? A Yes, sir.

Q Is he related to you? A Yes, sir.

Q What relation is he? A Half brother.

Q You had the same father? A Yes, sir

Q Did you get your rights to citizenship through your father, or
mother? A Through mother.

Q Was your father not a citizen? A No, sir.

Q Did you ever hear your brother called by any other name than
Barber? A No, sir.

Q Did you ever know him to be called Bailer? A Some of the names
were on the town kings rolls called Bailer, of the Broken Arrow
town.

Q Did you ever know any one else in Broken Arrow town named R.W.
Bailer? A No, sir

Q You are convinced that was meant for your brother? A Yes, sir.
~~I know it was, the town king told me it was.~~

By Atty. Hastain:

Q Are you acquainted with R.W.Barber? A Yes, sir

Q What relation is R.W.Barber to R.F.Barber? They are twin brothers.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me
this 1 day of December 1905.

J. M. Danforth
Notary Public.

C. E. No.

In re, application of
J. P. W. Barber
for enrollment as a
Creek Indian,

Motion to re-open

OCT 5 - 1905

2 1437.6

E. H. Eastman
atly for Applicant

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of R. W. Barber to have his case reopened in the matter of his application for enrollment as a citizen of the Creek Nation.

Comes now R. W. Barber, and moves the Honorable Secretary of the Interior to reopen his application for enrollment heretofore filed, and heretofore passed upon by the Department for the following reasons, to-wit:

That the applicant is a twin brother of R. F. Barber, whose case was re-opened, and whose enrollment was approved by the Department on Sept. 21, 1905. That exactly the same state of facts exist in his case as in the case of R. F. Barber. That he made original application on the same date and was denied on the same grounds.

Wherefore, your petitioner prays that the testimony taken in the case of his brother, R. F. Barber be considered with his case, and that the Commissioner to the Five Civilized Tribes be directed to enroll this applicant, together with his minor children born since the date of his original application.

R. W. Barber

By E. Hastain

His attorney.

E. Hastain, being duly sworn, states that on the 4th day of October, 1905, he mailed to the attorney for the Creek Nation a true copy of the foregoing motion, and has attached hereto the registry receipt for same.

E. Hastain

Subscribed and sworn to before me this 5th day of Oct..

for safe transit and correct delivery.

Letters and parcels may be registered at any post-office of a first-class office station.

Letters will be registered by letter carriers in the residential districts of cities. Letters and parcels will be registered by rural carriers throughout their routes.

For letters and parcels delivered through a U. S. post-office, the sender, without request and without charge, receives the addressee's acknowledgment and when delivered through a post-office of a foreign country, if the words "Receipt demanded" be endorsed on the address side of the letter or parcel.

U. S. P. O. Registry Receipt

Letter ()
Parcel ()

No. 1321 P. O., Muskogee

Handlin

Received for registration 10-4, 1905 from

E. Hastain

addressed to A. I. Mott

Mushagee

1 class postage prepaid. Postmaster, per H. H. H.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of R. W. Barber to have his case reopened in the matter of his application for enrollment as a citizen of the Creek Nation.

Comes now R. W. Barber, and moves the Honorable Secretary of the Interior to reopen his application for enrollment heretofore filed, and heretofore passed upon by the Department for the following reasons, to-wit:

That the applicant is a twin brother of R. F. Barber, whose case was re-opened, and whose enrollment was approved by the Department on Sept. 21, 1905. That exactly the same state of facts exist in his case as in the case of R. F. Barber. That he made original application on the same date and was denied on the same grounds.

Wherefore, your petitioner prays that the testimony taken in the case of his brother, R. F. Barber be considered with his case, and that the Commissioner to the Five Civilized Tribes be directed to enroll this applicant, together with his minor children born since the date of his original application.

R. W. Barber

By *E. H. Eastain*

His attorney.

E. H. Eastain, being duly sworn, states that on the 4th day of October, 1905, he mailed to the attorney for the Creek Nation a true copy of the foregoing motion, and has attached hereto the registry receipt for same.

E. H. Eastain

Subscribed and sworn to before me this 5th day of Oct., 1905.

*My Commission
Expires May 3-1909*

Charles H. Chandler

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of R. F. Barber as a citizen of the Creek Nation.

DECISION.

It appears from the records of the Commission that on May 18, 1901, R. F. Barber appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen of the Creek Nation; that said application was denied by the Commission January 4, 1902, and the decision of the Commission was affirmed by the Secretary of the Interior January 24, 1902.

It further appears that upon motion of the applicant the case was reopened by the Department January 31, 1905. Further proceedings were had March 13 and April 14, 1905.

The evidence further shows that the applicant is identified on the 1890 Authenticated Tribal Roll of the Creek Nation and on the 1895 Doubtful Roll of said Nation.

The evidence further shows that the applicant herein made application to the Commission, under the act of Congress of June 10, 1896 (29 Stats., 321), for citizenship in the Creek Nation, that said application was denied, and that an appeal was taken from the decision of the Commission to the United States Court in Indian Territory, and that the decision of the Commission was by said court sustained.

In passing upon the applicant's motion to reopen this case, the Assistant Attorney-General held:

"If, in fact, the applicant was borne on the rolls of the Creek Nation, neither the Commission in 1896 nor the Court had authority to deny his enrollment, and their action in so doing was a void act."

In the Creek case of Frank London, et al. (Creek No 16), the Department held:

"If the applicants are otherwise entitled to be enrolled as citizens of the Creek Nation, the striking of their names from the 1894 Roll by the Committee of Eighteen does not affect their rights."

It is, therefore, the opinion of the Commission that following the rulings cited above of the Assistant Attorney-General and the Department, said R. F. Barber should be enrolled as a citizen of the Creek Nation, in accordance with the provisions of the acts of

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Congress, June 28, 1898 (30 Stat., 495) and March 1, 1901, (31 Stat., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JUN 14 1905

~~DEPARTMENT OF THE INTERIOR,~~
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of R. W. Barber as a citizen of the Creek Nation.

DECISION.

It appears from the record in this case that on May 18, 1901, R. W. Barber appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for enrollment as a citizen of the Creek Nation; that said application was denied by said Commission January 4, 1902, and that the decision of said Commission was on January 24, 1902, affirmed by the Secretary of the Interior.

It further appears that upon motion of the applicant, this case was on November 4, 1905, reopened by the Department. Further proceedings were had November 29, 1905. A copy of the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, in the case of R. F. Barber, a twin brother of the applicant herein is made part of the record herein. It appearing that the correct name of the applicant is Richard W. Barber, he is hereinafter referred to by that name.

The evidence shows that the applicant is identified on the 1890 Authenticated Tribal Roll of the Creek Nation and on the 1895 Doubtful Roll of said nation.

The evidence further shows that the applicant herein made application to the Commission to the Five Civilized Tribes, under the act of Congress of June 10, 1896 (29 Stats., 321), for citizenship in the Creek Nation, that said application was denied, and that an appeal was taken from the decision of said Commission to the United States Court in Indian Territory, and that said decision of the Commission was by said court sustained.

The facts in this case are similar to the facts in the case of R. F. Barber, and in passing upon a motion to reopen that case, the Assistant Attorney General ruled:

" If, in fact, the applicant was borne on the rolls of the Creek Nation, neither the Commission in 1896 nor the court had authority to deny his enrollment, and their action in so doing was a void act."

In the Creek case of Frank London et al. (Creek En.16), the Department held :

" If the applicants are otherwise entitled to be enrolled as citizens of the Creek Nation, the striking of their names from the 1895 roll by the Committee of Eighteen does not affect their rights."

-2-

It is, therefore ordered and adjudged that, following the rulings cited above of the Assistant Attorney General and of the Department, said Richard W. Barber is entitled to be enrolled as a citizen of the Creek Nation in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and the application for his enrollment as such is accordingly granted.



Commissioner.

Muskogee, Indian Territory,

JAN 12 1906

Memo 36

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DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
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In the matter of the application of R.W.Barber to have his case reopened in the matter of his application for enrollment as a citizen of the Creek Nation.

Comes now R.W.Barber, and moves the Honorable Secretary of the Interior to reopen his application for enrollment heretofore filed, and heretofore passed upon by the Department for the following reasons, to-wit:

That the applicant is a twin brother of R.F.Barber, whose case was reopened, and whose enrollment was approved by the Department on Sept. 21, 1905. That exactly the same state of facts exist in his case as in the case of R.F.Barber. That he made original application on the same date and was denied on the same grounds.

Wherefore, your petitioner prays that the testimony taken in the case of his brother, R.F.Barber be considered with his case, and that the Commissioner to the Five Civilized Tribes be directed to enroll this applicant, together with his minor children born since the date of his original application.

R.W.Barber
By E. Hastain
His attorney.

E. Hastain, being duly sworn, states that on the 4th day of October 1905, he mailed to the attorney for the Creek Nation a true copy of the foregoing motion, and has attached hereto the registry receipt for same.

E. Hastain

Subscribed and sworn to before me this 5th day of Oct., 1905

Charles W. Mandler
Notary Public

My Commission
expires May 3, 1909.

COPY

Muskogee, Indian Territory, January 4, 1902.

R. W. Barber,

Wagoner, Indian Territory.

Dear Sir:

On the 18th day of May, 1901, you appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen of the Creek Nation.

It appears from the evidence offered in support of said application, that you appeared upon the 1890 authenticated roll of Broken Arrow Town, Creek Nation, under the name of R. W. Bailer, but that your name was stricken from said roll in 1896 by the citizenship committee appointed by the Creek Council; that you made application to this Commission under the act of Congress of June 10, 1896 (29 Stats., 321), for citizenship in the Creek Nation, which application was refused by the Commission. An appeal was taken from the decision of the Commission to the United States Court in Indian Territory, which court sustained the decision of the Commission.

The act of Congress of May 31, 1900 (31 Stats., 221), provides:

R. W. R. 2

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

The Commission has, therefore, on this date, decided that you are not a citizen of the Creek Nation, and duly and lawfully enrolled or admitted as such and that pursuant to the provision of law above quoted, the Commission is without authority to receive, consider or make any record of your application for enrollment as a citizen of said nation.

You are informed that the Commission has on this date forwarded a memorandum of its action to the Secretary of the Interior for consideration. A copy of the testimony taken in support of said application is herewith enclosed.

The Commission to the Five Civilized Tribes.

By T. B. Needles
Commissioner in Charge.

Reg. Mail.

Enclosures

COMMISSIONERS:
HENRY L. DAWES,
TANS SIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNIDGE.

ALLISON L. AVLESWORTH,
SECRETARY.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment of R. W. Barber as a citizen of the Creek Nation, Creek Memorandum No. 36, refused by the Commission under the provisions of the act of Congress approved May 31, 1900, (31 Stat., 221), in its decision dated January 4, 1902, which has been separately transmitted in duplicate to the Department on this date.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 Enclosure- 36.

(COPY)

D.C.No.1442-1902.

5641
Department of the Interior.

F.

Washington.

I.T.D.447-1902.
L.R.S.

January 24, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 21, 1902, the Commissioner of Indian Affairs transmitted the papers in the matter of the application of R.W. Barber for enrollment as a citizen of the Creek Nation, and recommended that your decision in the case be approved.

January 4, 1902, you refused said application in accordance with the act of May 31, 1900.

The Department affirms your decision in this case, and you will so inform the applicant. Copy of the Commissioner's letter is inclosed herewith.

Respectfully,

Thos. Ryan
Acting Secretary
RMD.

1 inclosure.

(COPY)

Refer in reply to the following:

Land.
3509-1902.
3510-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, January 21, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 13, 1902, by the Commission to the Five Civilized Tribes, transmitting a memorandum in the matter of the application of R. W. Barber (or Bailer) for enrollment as a Creek citizen.

The Commission declined to make a record in the case because an examination of the Creek tribal records, and of the applicant, showed that he had not been recognized as a citizen of the Creek Nation, and duly and lawfully enrolled or admitted as such.

It is respectfully recommended that the Commission's action be approved. Reference is made to office report of even date, in the matter of the application for enrollment of Louisa Bigham.

WCY
D

Inclosure.

Very respectfully,
Your obedient servant,
W. A. Jones,
Commissioner.

1
COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

Muskogee, Indian Territory, February 4, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

R. W. Barber,

Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 24, 1903, affirmed the decision of the Commission, dated January 4, 1903, denying the application made by you for the enrollment of yourself as a citizen of the Creek Nation.

Yours truly,

Tams Bixby

Acting Chairman.

Mem. 86

Washington, Indian Territory, October 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

October 8, 1906, E. Hastain, attorney for R. W. Barber, delivered to this office for transmission to the Department, a motion to reopen the matter of the application for the enrollment of said R. W. Barber as a citizen by blood of the Creek Nation.

As stated by the attorney in said motion, the case of R. W. Barber presents exactly the same set of facts as the case of his brother, R. F. Barber which was on February 3, 1905 (I.T.D. 1126-1905), reopened by the Department and whose enrollment as a citizen by blood of the Creek Nation was, on September 21, 1905, approved by the Department.

At the request of the attorney for applicant, a copy of the testimony taken in the rehearing of the matter of the application for the enrollment of said R. F. Barber, is enclosed for Departmental consideration in connection with the motion to

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-3-

reopen.

In view of the facts in the case, I have the honor to recommend that the motion to reopen the matter of the application for the enrollment of said R. W. Barber as a citizen by blood of the Creek Nation be granted.

Respectfully,

Commissioner.

AG-10-6-2

Refer in reply to the following

Land

5641-1902

89919-1905

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,
WASHINGTON, October 30, 1905.

The Honorable,,

The Secretary of the Interior.

Sir:

Referring to Department letter of January 24, 1902
(I.T.D.447-1903) I have the honor to enclose a letter from the
Commissioner to the Five Civilized Tribes dated October 6, 1905,
transmitting a motion on behalf of the applicant to reopen the
Creek citizen enrollment case of R.W.Barber.

The record is also forwarded.

Very respectfully,

C F Larrabee

Acting Commissioner.

MMH

W

Memo 36

JP.FHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.14326-1905
LRS

November 4, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 6, 1905, you submitted a request for the re-opening of the case of R.W Barber as a citizen by blood of the Creek Nation.

The case is governed by the action of the Department of February 3, 1905, following the approved opinion of the Assistant Attorney General in the case of the applicant's brother, R.F. Barber.

Following your recommendation, the decision of the Department adverse to R.W.Barber of January 24, 1902, is hereby rescinded, in order that he may be heard upon the merits of his case.

A copy of the Indian Office letter submitting your report, the memorandum in the applicant's case, and the motion to reopen are inclosed.

Respectfully,

Thos Ryan
First Assistant Secretary

Through the
Commissioner of Indian Affairs
3 inclosures

Muskogee, Indian Territory, November 14, 1905.

R. W. Barber,
Wagoner, Indian Territory.

Dear Sir:

You are hereby notified that under date of November 4, 1905, the Department reopened the matter of your application for enrollment as a citizen by blood of the Creek Nation and directed that you be given an opportunity to be heard on the merits of the case.

You are accordingly notified that said case has been set for rehearing, November 29, 1905, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

The Creek Nation will be given an opportunity to introduce evidence at the same time and place.

Respectfully,

Commissioner.

Muskogee, Indian Territory, November 14, 1905.

E. Hastain,

Attorney for R.W.Barber,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that under date of November 4, 1905, the Department reopened the matter of the application of R. W. Barber for enrollment, as a citizen by blood of the Creek Nation, and directed that he be given an opportunity to be heard on the merits of the case.

You are accordingly notified that said case has been set for rehearing, November 29, 1905, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

The Creek Nation will be given an opportunity to introduce evidence at the same time and place.

Respectfully,

Commissioner.

Memo. 36

Muskogee, Indian Territory, November 14, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that under date of November 4, 1905, the Department reopened the matter of the application of P. W. Barber for enrollment, as a citizen by blood of the Creek Nation, and directed that he be given an opportunity to be heard on the merits of the case.

You are accordingly notified that said case has been set for rehearing, November 29, 1905, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

The Creek Nation will be given an opportunity to introduce evidence at the same time and place.

Respectfully,

Commissioner.

Muskogee, Indian Territory, January 13, 1906.

E. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of R. W. Barber as a citizen of the Creek Nation.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of R. W. Barber, and if, at the expiration of said time, no protest has been filed, said persons will be regularly listed for enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner.

JYM-13-22

Cr.En. 995.

Muskogee, Indian Territory, June 23, 1906.

Richard W. Barber,

Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that your name is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior June 16, 1906, and that you can now make a selection of land in the Creek Nation for yourself at the Creek Land Office in Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,

Commissioner.

Cr.En.995.

Muskogee, Indian Territory, June 28, 1906.

E. Hastain,

Attorney for Richard W. Barber,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the name of Richard W. Barber is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior June 16, 1906, and that a selection of land in the Creek Nation may now be made for him at the Creek Land Office in Muskogee, Indian Territory.

This matter should receive prompt attention.

Respectfully,

Commissioner

No. 995.

Muskogee, Indian Territory, May 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted a motion, filed by E. Hastain, attorney for applicants, to set aside the order of the Secretary of the Interior of March 4, 1907, "in the matter of the striking from the Creek rolls the names of Richard W. Barber, Ruby V. Barber, Richmond W. Barber and Ray F. Barber."

Respectfully,

Commissioner.

JEM

13118
I.T.D. 6908-1907.

JP.
LLB.LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation contained in your letter of February 27, 1907, relative to names to be stricken from the partial roll of Creek citizens, and Indian Office letter of March 2, 1907, and referring to departmental letter of even date upon a similar report by you relative to the names of persons to be stricken from the partial rolls of the Choctaw and Chickasaw nations, the names of the persons mentioned in your report relative to the Creek Nation have been stricken from the partial roll of citizens of such nation, opposite the numbers mentioned in your letter.

If by inadvertence the name of anyone has been left on any partial roll of the Creek Nation after decision adverse to him was made by the Department prior to March 5, 1907, and since the opinion of the Attorney-General referred to, the name of such person will be stricken from the roll as of this date.

A carbon copy hereof has been sent to the Indian Office.

Respectfully,

E.A. Hitchcock,

Secretary.

Creek I, 3969

Muskogee, Indian Territory, March 12, 1907.

Richard W. Barber,

Broken Arrow, Indian Territory.

Dear Sir:

You are hereby advised that under Departmental instructions of March 4, 1907, your name was stricken from the approved roll of citizens by blood of the Creek Nation, opposite number 10077.

Respectfully,

Commissioner.

Creek I. 3969.

Muskogee, Indian Territory, March 12, 1907.

Chief Clerk,

Creek Land Office,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under Departmental instructions of March 4, 1907, the name of Richard W. Barber was stricken from the approved roll of citizens by blood of the Creek Nation, opposite number 10077.

Respectfully,

Commissioner.

Creek I. 3969.

Muskogee, Indian Territory, March 12, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under Departmental instructions of March 4, 1907, the name of Richard W. Barber was stricken from the approved roll of citizens by blood of the Creek Nation, opposite number 10077.

Respectfully,

Commissioner.

CR EN 996

CR EN 996

En _____

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 29, 1905.

In the matter of the application for the enrollment of William Wheeler as a citizen of the Creek Nation.

William Wheeler, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A William Wheeler.

Q How old are you? A I am in my 73rd year.

Q What is your postoffice address? A Sedalia, Mo.

November 24, 1899, a letter was written by the Acting Chairman of the Commission to the Five Civilized Tribes to Mr. William Wheeler, Sedalia, Mo., stating that he had received an affidavit as to said William Wheeler having been a slave of a Creek citizen. Said affidavit is not now on file in this Office; but having been received by the Commission prior to September 1, 1904, said affidavit is considered as an application for enrollment of said Wheeler as a citizen of the Creek Nation.

Q Have you that affidavit that was returned to you? A No sir.

Q You received this letter stating that it was returned? A Yes, sir, I received stating that it was returned.

Q What was the first time that you called attention to this Office to the fact that you did not receive it? A I just could not remember what time it was.

Q The first time we have evidence of it is November 15, 1905, when you wrote a letter to this Office stating that you had not received the affidavit. That is six years after that. A That might be.

Q You never said anything about the enclosure not having been received these six years. A No sir, it was in a letter.

Q You waited six years. A I waited, I know; that is right, but of course, I just thought everything--

Q Can you say what was in that affidavit? A I think I can remember pretty correct what was in it tolerably.

Q What did it say? A I think it was headed as an affidavit and now the man that wrote it--I cannot tell who it was, one of the officers. Affidavit was written for William Wheeler concerning asking for to be filed as regards to his claim as quarteroon Creek Indian, my father being a half breed and those two ladies that I belonged to their family they witnessed the affidavit that that was true; that I was the son of Abraham Wheeler and he was a half breed Creek Indian and then they signed their names, both, and they--you will find their names, I guess on the affidavit.

Q In this letter from the Commission it is stated that they have no use for the affidavit; that is the reason they sent it back.

A That was not in it.

Q You claim to be a quarter Creek Indian blood. A Yes sir.

Q Because your father, Abe Wheeler, was a half breed? A Yes sir.

Q And that you were owned by two women?

A I was owned by these women, Mrs. Stephens and Catherine Stephens.

Q Did you mention the name of anyone else besides yourself when applying that time? Did you claim for anybody else? A No sir, just myself, all I claimed for.

Q You claimed then, in that affidavit to be a citizen by blood?

A Yes sir.

Q You sent that affidavit from Sedalia, did you? A Yes sir.

Q What is the name of your father? A Abraham Wheeler.

Q He is dead, is he? A Yes sir.

Q Do you know when he died? A I don't remember just the year that he died, but he has been nearly twenty years, or quite twenty years, I expect.

Q What is the name of your mother? A Mary Stephens; she went by the name, belonged to the Stephenses.

Q Did she claim any rights as a Creek herself? A No sir.

Q She didn't claim either as by blood or Freedman? A She was a colored woman, you know.

Q Any rights you might have would be through your father?

A Yes, that's all I ask for.

Q Did you say that your mother was a slave? A Yes sir.

Q She was a slave of a Creek citizen? A No sir.

Q She was not? A No sir.

Q Was your father a slave? A Yes, my father was a slave, in slavery. One of the lawyers out in Sedalia told me, he had been one of the old Senators. I showed him one of those letters, what that letter said; he read it and said in case in time of slavery that would cut some figure in the case, that a child would follow its mother, but since freedom, it is altogether different, he says.

Q You don't claim that your mother was the slave of a Creek Indian, do you? A No sir.

Q Your rights would not come through your mother? A No sir, through father.

Q Was your father a slave of a Creek citizen? A No sir.

Q In 1899, the time that this affidavit came up, you were in Sedalia, Mo.? A Yes sir.

Q Before and up to that time had you ever been in Indian Territory? A No sir, I never have been in Indian Territory. I was down in Kansas.

Q Never had been in Indian Territory before that time? A No, sir.

Q Since that time have you ever been in Indian Territory--before this? A No sir.

Q This is the only time you have ever been in Indian Territory?

A Sometime ago, you know, years ago.

Q What time? A Right after the war. I used to preach for the Indians and I been through Fort Gibson and the territory those days, but I haven't here lately. I took Mr. ~~Knox~~ Baker's advice by the letter.

Q You mean these letters? A Yes sir.

Q Did you ever receive any money from the Creek Nation--any payments? A No sir.

Q Were you ever admitted by any authority of the Creek Nation or the United States to citizenship in the Creek Nation? A No sir, I have not been.

Q No money was ever drawn for you that you know of? A Not that

- I know.
- Q Was your father ever admitted that you know of? A No sir.
- Q Did he ever draw any money that you know of? A Not that I know.
- Q Did you ever have a residence in Indian Territory--did you ever make it your home? A No sir.
- Q I suppose you know nothing about any of those payments--1890 or 1895, or the Dunn Roll--you know nothing about those payments?
- A I have heard of it, that's all that far as I know.
- Q You didn't hear that you figured in them in any way? A No, sir, I've always said like this--
- Q Do you know if your father belonged to any Creek Indian Town or band? Do you know the name of it? A He always claimed to belong to the Creek tribe.
- Q You don't know the name of any particular Town he belonged to?
- A No sir, no particular Town, just the tribe.
- Q Where was your father just before the War, do you know? A He was in Sheridan County, Mo.
- Q During the War, where did he go to? A There? In Sheridan County up until about--well--I think he told me about the second year of the War; then he aimed to go to Iowa and run off, and he was on pretty well there and they overtook him, caught him and brought him back to Missouri, Sheridan County. He stayed there then until after the War closed. The War closed I come back from Texas in 1866. I had not seen it since I was eight years old. My father was then on his way here to the Nation and he got to Fort Scott; he was there, this man told me he was in Fort Scott. I found he started back to Brunswick, Mo., and the next year he died there.
- Q Died in Missouri? A Yes sir.
- Q He never did get to the Creek Nation? A He had started from Fort Scott, Kansas. I went there and got him, took him back.
- Q Your father was not during the time of the War, or at any time, in the Creek Nation? A Not that I know of.
- Q How old did you say you were? A 73.
- Q You were born before the War time? A Yes sir.
- Q Up to that time had you ever been in the Creek Nation?
- A No sir, I never been in the Creek Nation until after the War. I passed through here while the War was going on.
- Q You remember the outbreak of the Civil War? A I remember about that time it was.
- Q You remember that circumstance--when the War broke out?
- A I remember that.
- Q Where were you at that time? A I was then in _____ County, Mo.
- Q Were you a slave then? A Yes sir.
- Q The slave of a Missourian or a Creek citizen? A Missourian.
- Q Was your father the slave of a Missourian or of a Creek citizen at the outbreak of the Civil War? A The slave of a Missourian.
- Q Where did you go during the War? A Went to Texas. Straight to Texas and Missouri, passed through the Nation.
- Q You remember the end of the War? A Pretty well. I think the War closed in '65, if I am not mistaken.
- Q Where were you at that time? A I was in Texas.
- Q Where did you go from Texas? A I came back ~~in~~ through the Nation.
- Q Did you stop in the Nation, when you came through it, for a while? A Yes sir.
- Q How long? A Two or three weeks.
- Q What year was it? A '66.

Q About what time of the year? A In April. About the middle of April. I don't think I left here until the last of May.

Q Then where did you go? A I went to Sedalia, Mo.

Q How long did you stay in Missouri? A Staying ever since.

Q Did you ever come back to the Territory after that time?

A Not to the Territory, to Kansas.

Q You went to Kansas? A Yes sir.

Q How long did you stay there? A Twelve months, preaching there.

Q What year was it when you left Kansas? A I think it was about '68, if I am not mistaken.

Q Where did you go from Kansas? A To Missouri.

Q How long did you stay in Missouri? A Up to this present time.

Q Did you hear anything about the Dunn Roll? A No sir.

Q Never heard about payments made to the Indians and Freedmen by Major Dunn in 1867? A No sir, that I can remember of--

Q Were you in the Creek Nation during the year 1867 at any time?

A No sir. We have done passed through here in 1866.

Q You say that you have not been the slave of a Creek citizen?

A No sir, the slave of people that owned slaves that time. Some called them rebels, some called them Southern people.

Q But your owner was not a Creek Indian, was he? A No sir.

Q Your father's owner was not a Creek Indian? A No sir.

Q Your mother's owner was not a Creek Indian, was she? A No sir.

Q You don't know anything about the division of the Creek Nation into Districts or Towns, do you? A No sir. I don't know anything about it at all. I haven't heard anything said about it; strange to me.

Q You say that you are a quarter-blood; your father a half-blood?

A Yes sir.

Q Was his father full-blood? A Yes sir. That was he told me, that's mother told me. I just go--

Q What was your grandfather, your father's father? A I couldn't tell; he don't know himself. He didn't know himself what his name is.

Q When did you move to the Creek Nation last? A I got here last night.

Q Call this your home? A I've got to go back to Sedalia, you know, go back. My intention is to come here, back here and build if I am successful make this my home, always been my intention.

Letters to Mr. Wheeler from the Commission to the Five Civilized Tribes and other persons are made a part of the record in this case for the purpose of showing Mr. Wheeler's intention to make application for citizenship in the Creek Nation.

Q Mr. Wheeler, do you desire to introduce any further testimony in this case? A I don't know that I have any more to introduce. I mean just like I said in one of my letters to you that I didn't want nothing but justice and right.

Q You don't desire to introduce any further testimony? A No sir.

CASE CLOSED.


INDIAN TERRITORY, Western District.

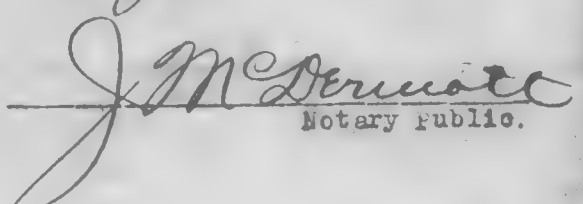
I, J. Y. Miller, a stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above and fore-

William Wheeler-----5

going is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me
this the 1st day of December,
1905.




Notary Public.

P. L.

En 996

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Wheeler as a citizen of the Creek Nation.

SUPPLEMENTAL STATEMENT.

Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, examined, and the applicant herein, or his father, is not identified on said roll.

Tribal rolls of the Creek Nation in the possession of this Office examined and the applicant herein, or his father, is not identified on any of said rolls.

Record of the proceedings of the Creek Citizenship Commission in the possession of this Office, examined, and it does not appear that application was made to said Commission for the admission of the applicant herein, or of his father, to citizenship in the Creek Nation.

Record of the proceedings of the Commission to the Five Civilized Tribes, under the provisions of the act of Congress of June 10, 1896, examined, and it does not appear that application was made to said Commission for the admission of the applicant herein, or of his father, to citizenship in the Creek Nation.

W. O. Beall

Acting Commissioner.

Muskogee, Indian Territory,
December 8, 1905.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Wheeler as a citizen of the Creek Nation.

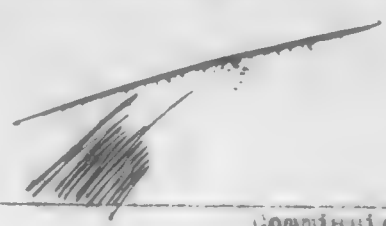
.....DECISION.....

The record in this case shows that prior to September 1, 1904, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the affidavit of William Wheeler relative to his right to enrollment as a citizen by blood of the Creek Nation. Said affidavit, which is not in the possession of this Office, is considered as an application for the enrollment of said William Wheeler as a citizen of the Creek Nation. Further proceedings were had November 29, 1905 and December 8, 1905.

The evidence shows that the applicant is not a full-blood Creek Indian and that he is possessed of negro blood and that no claim is made that his mother is a citizen of the Creek Nation.

The evidence further shows that said William Wheeler is not identified on the roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, that he has never been enrolled as a citizen of the Creek Nation, that he has never been admitted to citizenship in the Creek Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory, and that he is not the son of a person who has been so enrolled or admitted.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said William Wheeler as a citizen of the Creek Nation, and the application for his enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

JAN 12 1906

57220

[illegible]

57220

Chief Indian and my father
 that a half Breed chief
 Indian and that is what his
 done then they signed
 there names like Dickson
 Sawyer and my father left
 that that my witness that
 I will ask you please make
 my name for enlistment
 William Wheeler

I want a Receipt may
 from you please

Yours Humble Servant
 William Wheeler

If you can tell me if I get land
 a Boat what month will it be given
 to me and I should like to come
 now if I had the money to come on

Dear Sir I desire
that my enrolment
book be not closed
till Friday next
there is 3 or 4 people
that I belong in their
family and that paid
with them and if you
desire me to make a
mother of God's child please
let me hear from you
at least and I will go there
and have one made I will
give you their names
hear Bent Stuart and
Lew Stuart and Thomas
Stuart and myket
Pallet that is the
people I belong to and

they all live at
Brunston Cooper Co. mo
they will witness
other affidavits if

i have to make another
out

INDEXED

COMMISSIONER OF THE LAND OFFICE	
No.	DEC 28
57220	DEC 28

Wheeler, William,
Sedalia, Mo.,
Dec 24, 1905.

Relative to his application for
enrollment as a Creek citizen.

CREEK ENROLLMENT

119

Cr.En. 996.

Muskogee, Indian Territory, January 11, 1907 .

William Wheeler,
103 Lamine Street,
Sedalia, Missouri.

Dear Sir:

Replying to your letter of December 25, 1906, referred to this office by the Secretary of the Interior ~~for~~ consideration and appropriate action, and to your letter of January 4, 1907, you are advised that on March 31, 1906, a copy of the decision of the Commissioner to the Five Civilized Tribes denying your application for enrollment as a citizen of the Creek Nation, was mailed to you; and that said decision was on November 23, 1906, affirmed by the Secretary of the Interior, of which you were given due notice.

Respectfully,

Commissioner.

En. 996.

Muskogee, Indian Territory. March 31, 1906.

William Wheeler,

General Delivery,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of your application for enrollment as a citizen of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Wm. O. Hall.

Ag50

Acting Commissioner.

En. 996.

Muskogee, Indian Territory. March 31, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of William Wheeler as a citizen of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1904.

Respectfully,

Through the Commissioner
of Indian Affairs.

Acting Commissioner.

AG-52

En. 996.

Muskogee, Indian Territory. March 31, 1906.

M. L. Mott,

Attorney for Creek Nation.

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of William Wheeler as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Acting Commissioner.

AQ-51

Sedalia, Mo.. Sept. 5th, 1906.

Hon. Tams Bixby,

Dear Sir:

I take pleasure in making a statement with reference to the bearer Rev. William. Wheeler, who has been a resident of Pettis County, Missouri, since about 1852 and who desires to obtain an allotment as a Creek Indian. Rev. Wheeler has been a minister of the Gospel of the Methodist Episcopal Church for the last forty years and is a man of strict integrity and high standing among his people--He has always maintained that his father Abram Wheeler was a half-blood Creek Indian, and that he is a fourth blood Creek. In general our people who are acquainted with him regard him as a Creek as his appearance clearly indicates. His application for allotment was duly filed with your Commission about five years ago and in Nov.1905 he was before the Commission making proof of his claim. He is known here as a sober--industrious and truthful man and his many friends hope that he shall be awarded an allotment.

With respect Yours etc.

W.A.Fast.

Refer in reply to the following:
Land: 28908-1906.

Copy.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS ,

WASHINGTON, October 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith report from the Commissioner to the Five Civilized Tribes, dated March 31, 1906, transmitting the record relative to the application of William Wheeler for enrollment as a citizen of the Creek Nation.

Prior to September 1, 1904, an affidavit was filed by William Wheeler with the Commissioner at Muskogee, Indian Territory, relative to his enrollment as a citizen by blood. This affidavit was considered as an application for enrollment as a citizen of the Creek Nation. Further proceedings in reference to the application were had on November 29, 1905, and December 8, 1905.

On January 12, 1906, the Commissioner held that the above named applicant was not entitled to enrollment.

The evidence showed that the applicant was not a full blood Creek Indian but that he was possessed of negro blood and that no claim was ever made—that his mother was a citizen of the Creek Nation. The record further shows that the applicant was not identified on the roll of Creek Freedmen made by J.W. Dunn , prior to March 14, 1867; that he was never enrolled as a citizen of the Creek Nation and had never been admitted to citizenship by the Creektribal authorities, or by the Commission, or by the U.S. Court in the Indian, Territory, and that he was not the son of a person who had been so enrolled or admitted.

person who had been so enrolled or admitted.

In view of Section 1 of the act of April 26, 1906 (34 Stats., 137) which limits enrollment to citizenship to such persons as are shown to have been enrolled on the tribal rolls of the Creek Nation, or else have parents ~~in~~ so identified provided application for enrollment was made previous to December 1, 1905, and also in view of section 3 of the same Act, above referred to, which limits enrollment as Creek freedman to such persons as were enrolled upon the list of Creek Freedmen prepared by J. W. Dunn, under ^{the} authority of the United States, prior to March 14, 1867, and their descendants born since that date and lawfully admitted to citizenship and their descendants, born since such admission, the Commissioner's decision is affirmed.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

HRD-BHG.

CRW.LLB.

LRS.

I.T.D. 21268-1906.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, November 23, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

March 31, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of William Wheeler, as a citizen of the Creek Nation, including your decision dated January 12, 1906, adverse to the applicant.

Reporting October 24, 1906 (Land 28908), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind. Of.

Cr. No. 95

Muskogee, Indian Territory, December 4, 1906.

William Wheeler,

General Delivery,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of November 23, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1906, denying the application for the enrollment of yourself as a citizen of the Creek Nation.

Respectfully,

Commissioner.

Cr.En. 996.

Muskogee, Indian Territory, December 4, 1906.

William Wheeler,
General Delivery,
Sedalia, Missouri.

Dear Sir:

You are hereby advised that the Department under date of November 23, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1906, denying the application for the enrollment of yourself as a citizen of the Creek Nation.

Respectfully,

Commissioner.

Cr.En. 996.

~~Muskegee, Indian Territory, December 4, 1906.~~

M. L. Kett,

Attorney for Creek Nation,

Muskegee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of November 23, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1906, denying the application for the enrollment of William Wheeler, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

CR EN 997

CR EN 997

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE Indian Territory, December 7, 1905.

✓ In the matter of the application for the enrollment
of Beatrice Edwards as a Creek freedman.

Josie Edwards, being duly sworn, testified as follows:
BY COMMISSIONER.

- Q What is your name? A Josie Edwards.
Q What was the name of your father? A Robert Grayson.
Q What was the name of your mother? A Sally Grayson
Q Your name is Edwards? A Yes, sir
Q What is your age? 28 years

Witness is identified as Josie Edwards on Creek ^{Freedman} card
1577, opposite roll No. 4959

- Q Is that the only child you have? A Yes, sir
Q Is that the child there? A Yes, sir
Q Where is James your husband? A Here
Q Are you living with him now? A Yes, sir and this is Beatrice her
Q When did you first make application for this child? A I don't
remember
Q In August 1904 wasn't it? A I don't remember, it has been a long
time.
Q You have no other child but Beatrice? A No, sir.
Q How old is Beatrice now? A Four years and eight months.

I, Anna Garrigues, on oath state that the above and foregoing is
true and correct transcript of my stenographic notes as taken on
said date in said case.

Anna Garrigues

Subscribed and sworn to before me
this 8th day of December 1905.

J. M. McDermott
Notary Public.

✓ # 997 ✓
B.A.200

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Grayson, Indian Territory, December 15, 1905.

In the matter of the application for the enrollment
of Beatrice Edwards as a Creek freedman.

Josie Edwards being duly sworn testified as follows:

- Q What is your name? A Josie Edwards.
Q What is your age? A Twenty eight
Q What is your post office address? A Grayson.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Of what town are you a member? A I think North Fork colored
but I am not positive about the town because I don't know.
Q Have you a child named Beatrice Edwards? A Yes, sir
Q Who is the father of the child? A James Edwards
Q Is that child living? A Yes, sir that is the child sitting there.
Q When was she born? A April 5, 1901.
Q Have you a record of the child's birth? A Yes, sir have a bible
Witness presents a small family bible in which the
following record is found" Little Beatrice Edwards
daughter of James and Josie E born April 5, 1901."

Q Did you make this record? A Yes, sir
Q When? A As soon as I could sit up.
Q Who attended at the birth of the child? A Dr.S.J.Smith.
Q Have you been before the Commissioner lately to see about this
case? A I went down there last Thursday week ago. They written me
a notice to come and I went and gave in my evidence.
Q Did you have that Bible record with you? A Yes, I carried it and
the child and the whole bunch of us went.
Were you advised whether or not the Commissioner desired further
evidence ? A They told me that was all and I would be notified
when I could file for the child.

I, Alex Posey, state on oath that the above and foregoing is a
true and correct transcript of my notes taken in said cause on
said date.

Subscribed and sworn to
before me this 23 day of December 1905.


H. G. Hains
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Beatrice Edwards as a Creek Freedman.

.....DECISION.....

The record in this case shows that on August 30, 1904, there was filed with the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, the affidavit of Josie Edwards relative to the birth of her minor child, Beatrice Edwards, which said affidavit is considered as an application for the enrollment of said Beatrice Edwards as a Creek Freedman. Further proceedings were had December 7, 1905.

The evidence shows that said Beatrice Edwards was born April 5, 1901, and that she was living at the date of the last proceedings herein.

The evidence further shows that said Beatrice Edwards is the minor child of Josie Edwards and that the name of Josie Edwards is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior December 1, 1903, opposite No. 4959.

It is, therefore, ordered and adjudged that said Beatrice Edwards is entitled to be enrolled as a Creek Freedman in accordance with the provisions of the act of Congress June 30, 1902 (32 Stats., 500), and the application for her enrollment as such is accordingly granted.



Commissioner.

Muskogee, Indian Territory.

JAN 12 1906

200

20

En 997

IN RE

Application for Enrollment of

INFANT CHILD

Beatrice Edward

as a citizen of

Creek

Nation.

Approved

190

Commissioner.

DEPARTMENT OF THE ARMY
COMMISSION TO THE FIVE CIVIL

FILED

August 30, 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,
of Beatrice Edward (Here insert name of child), born on the April day of A.D. 1901.
Name of Father: James Edward, a citizen of the United States Nation.
Name of Mother: Josie Edward, a citizen of the Creek Nation.
Post-office: Grayson, Ind. Terr.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Josie Edward, on oath state that I am
years of age and a citizen, by adoption, of the Creek Nation;
that I am the lawful wife of James Edward, who is a citizen, by
of the United States Nation; that a female child was
(Male or female)
born to me on 15 day of April, A.D. 1901; that said child has been named
Beatrice Edward, and is now living.

WITNESSES TO MARK:

x Josie Edwards.

Must be Two
Witnesses.

Subscribed and sworn to before me this 30 day of August, 1901.

My Commission expires 10/17/06

M. N. Harrison

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, J. F. Smith, a Physician, on oath state that I at-
tended on Mrs. Josie Edward, wife of James Edward,
on the 5 day of April, A.D. 1901, that there was born to her on said
date a Female child; that said child is now living and is said to have been named
(MALE OR FEMALE)
Beatrice Edward.

WITNESSES TO MARK:

J. F. Smith M.D.

Must be Two
Witnesses.

Subscribed and sworn to before me this 30 day of August, 1901.

My Commission expires 10/17/06

M. N. Harrison

NOTARY PUBLIC.

Mother's roll # F. 4859

217

En 997

IN RE

Application for Enrollment of
INFANT CHILD

Beatrice Edwards

as a citizen of

Creek

Nation.

Approved

190

Commissioner.

DEC 7 - 1905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the

Creek Nation,
of *Beatrice Edwards*, born on the *5* day of *April*, 1901.
(Here insert name of child.)
Name of Father: *James Edwards* a citizen of the *U.S.* Nation.
Name of Mother: *Josie* " a citizen of the *Creek* Nation.
Postoffice *Grayson*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, *Josie Edwards*, on oath state that I am *about 28*
years of age and a citizen by *freedman*, of the *Creek* Nation;
that I am the lawful wife of *James Edwards*, who is a citizen, by
of the *U.S.* Nation; that a *female* child was
(Male or Female.)
born to me on *5* day of *April*, 1901; that said child has been named
Beatrice Edwards, and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two
Witnesses)

Subscribed and sworn to before me this *7* day of *December*, 1905.
Henry G. Hains
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, *S. J. Smith*, a *Physician*, on oath state that I
attended on Mrs. *Josie Edwards*, wife of *James Edwards*
on the *5* day of *April*, 1901; that there was born to her on said date a *female*
(Male or Female.)
child; that said child was living March 4, 1905, and is said to have been named *Beatrice Edwards*.

WITNESSES TO MARK:

(Must be Two
Witnesses)

Subscribed and sworn to before me this *7* day of *December*, 1905.
Henry G. Hains
Notary Public.

Child present

Or En 997

Muskogee, Indian Territory, January 13, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Beatrice Edwards as a Creek Freedman.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of Beatrice Edwards, and if, at the expiration of said time, no protest has been filed, said person will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Commissioner.

JYK-13-23

Cr.En. 997.

Muskogee, Indian Territory, June 26, 1906.

Josie Edwards,

Grayson, Indian Territory.

Dear Madam:

You are hereby advised that the name of your minor child, Beatrice Edwards, is contained in the partial list of Freedmen of the Creek Nation, approved by the Secretary of the Interior June 16, 1906, and that a selection of land in the Creek Nation may now be made for her at the Creek Land Office in Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,

Commissioner.

END
OF
ROLL

